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R 336.2607

Source: 1980 AACs.

R 336.2608

Source: 1997 AACs.

PART 17. HEARINGS

R 336.2701 Petitions for review and for contested case hearings; hearing procedure; “duly authorized agent” defined.

Rule 1701. (1) For a petition filed for review under section 5506, 5515, 5522, or 5529 of the act, the procedure described in subrule (2) of this rule is the procedure for the hearing of A contested case as “contested case” is defined in section 3(3) of Act No. 306 of the Public Acts of 1969, as amended, being §24.203(3) of the Michigan Compiled Laws.

(2) Under sections 5506(14), 5515(3), 5522(6), 5522(8), and 5529 of the act, certain final department actions provide the opportunity for certain parties to file a petition for a contested case hearing with the department. A party shall file a petition on a form provided by the department within 30 days after the final department action. The party shall complete the form in full.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2000 MR 4, Eff. Apr. 10, 2000.

R 336.2702 Appearances.

Rule 1702. An appearance at a hearing or proceeding held under section 5506, 5515, 5522, or 5529 of the act shall be in person, by a duly authorized agent, or by counsel. A “duly authorized agent,” for the purpose of this rule, means an individual who has been empowered written authority to act on behalf of the aggrieved party.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2000 MR 4, Eff. Apr. 10, 2000.

R 335.2703 Rescinded.

History: 1979 ACS 1, Eff. Jan. 19, 1980; rescinded 2000 MR 4, Eff. Apr. 10, 2000.

R 336.2703

Source: 1980 AACs.

R 336.2704

Source: 1980 AACs.

R 336.2705

Source: 1980 AACs.

R 336.2706

Source: 1980 AACs.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR’S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY—CONTINUING EDUCATION

R 338.91

Source: 1991 AACs.

R 338.92

Source: 1991 AACs.

R 338.93

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Source: 1991 AACS.

R 338.94

Source: 1991 AACS.

R 338.95

Source: 1991 AACS.

R 338.96

Source: 1991 AACS.

R 338.97

Source: 1991 AACS.

R 338.98

Source: 1991 AACS.

R 338.99

Source: 1991 AACS.

OSTEOPATHIC MEDICINE AND SURGERY

PART 1. GENERAL PROVISIONS

R 338.101

Source: 1989 AACS.

R 338.102

Source: 1991 AACS.

R 338.103

Source: 1991 AACS.

R 338.105

Source: 1991 AACS.

R 338.106

Source: 1989 AACS.

R 338.107

Source: 1989 AACS.

R 338.107a

Source: 1989 AACS.

R 338.108

Source: 1985 AACS.

R 338.108a Delegation of prescribing of controlled substances to physician's assistants; limitation.

Rule 8a. (1) A physician who supervises a physician's assistant under sections 17548 and 17549 of the code may delegate the prescription of controlled substances listed in schedules 3 to 5 to a physician's assistant if the delegating physician establishes a written authorization that contains all of the following information:

- (a) The name, license number, and signature of the supervising physician.
- (b) The name, license number, and signature of the physician's assistant.
- (c) The limitations or exceptions to the delegation.
- (d) The effective date of the delegation.

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(2) A delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. A delegating physician shall note the review date on the written authorization.

(3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.

(4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1)(a) to (d) of this rule.

(5) A delegating physician may delegate the prescription of schedule 2 controlled substances only if all of the following conditions are met:

(a) The supervising physician and physician's assistant are practicing within a health facility as defined in section 20106(d), (g), or (i) of the code; specifically, freestanding surgical outpatient facilities, hospitals, and hospices.

(b) The patient is located within the facility described in subdivision (a) of this subrule.

(c) The delegation is in compliance with this rule.

(6) A delegating physician may not delegate the prescription of schedule 2 controlled substances issued for the discharge of a patient for a quantity for more than a 7-day period.

(7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.108b Delegation of prescribing of controlled substances to nurse practitioners or nurse midwives; limitation.

Rule 8b. (1) A physician may delegate the prescription of controlled substances listed in schedules 3 to 5 to a registered nurse who holds specialty certification under section 17210 of the code, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:

(a) The name, license number, and signature of the delegating physician.

(b) The name, license number, and signature of the nurse practitioner or nurse midwife.

(c) The limitations or exceptions to the delegation.

(d) The effective date of the delegation.

(2) A delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. A delegating physician shall note the review date on the written authorization.

(3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.

(4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1)(a) to (d) of this rule.

(5) A delegating physician may delegate the prescription of schedule 2 controlled substances only if all of the following conditions are met:

(a) The delegating physician and nurse practitioner or nurse midwife are practicing within a health facility as defined in section 20106(d), (g), or (i) of the code; specifically, freestanding surgical outpatient facilities, hospitals, and hospices.

(b) The patient is located within the facility described in subdivision (a) of this subrule.

(c) The delegation is in compliance with this rule.

(6) A delegating physician may not delegate the prescription of schedule 2 controlled substances issued for the discharge of a patient for a quantity for more than a 7-day period.

(7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

History: 1999 MR 11, Eff. Nov. 17, 1999

R 338.109a

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Source: 1990 AACS.

PART 2. ADMINISTRATIVE HEARINGS

R 338.110—R 338.120

Source: 1997 AACS.

R 338.121

Source: 1997 AACS.

R 338.122—R 338.134

Source: 1997 AACS.

OPTOMETRY—PUBLIC PARTICIPATION AT OPEN BOARD MEETINGS

R 338.241

Source: 1980 AACS.

OPTOMETRY

R 338.251

Source: 1995 AACS.

R 338.252

Source: 1990 AACS.

R 338.253

Source: 1990 AACS.

R 338.254

Source: 1983 AACS.

R 338.255

Source: 1990 AACS.

R 338.256 Continuing education.

Rule 6. (1) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 24 hours of board-approved continuing education.

(2) An applicant for license renewal who holds certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, shall accumulate not less than 12 hours of board-approved continuing education in addition to the 24 hours required under subrule (1) of this rule.

(3) Submission of an application for renewal constitutes the applicant's certificate of compliance with the requirements of this rule. The optometrist shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 1995 MR 8, Eff. Sept. 6, 1995; 1998 mR 3, Eff. Apr. 22, 1998.

R 338.256a Acceptable continuing education; limitations.

Rule 6a. (1) The board shall consider any of the following as board-approved continuing education:

(a) Successful completion of a course or courses offered for credit in an optometry school approved by the board under R 338.254, without limitation.

(b) Successful completion of a continuing education program offered by an optometry school approved by the board under R 338.254, without limitation.

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- (c) Attendance at a continuing education program approved by the board under R 338.256b, without limitation.
 - (d) Renewal of a license held in another state that requires continuing education for license renewal which is substantially equivalent to the requirements of these rules if the applicant resides and practices in that state.
 - (e) One hour of continuing education may be earned for each hour involved in the presentation of a continuing education program approved by the board.
 - (2) The board will consider requests for approval of continuing education programs by sponsors who submit applications on a form provided by the department. The board may evaluate applications for approval based upon all of the following:
 - (a) Program content as it relates to the practice of optometry.
 - (b) Instructor credentials for conducting the specific program.
 - (c) The number of lecture hours of the program, with a minimum of 1 hour being submitted for consideration.
 - (d) Attendance monitoring plan.
 - (3) A total maximum of 18 hours may be granted in board-approved programs in either of the following areas:
 - (a) A maximum of 6 hours relating to practice management.
 - (b) A maximum of 12 hours relating to self evaluation journal tests and multimedia education.
- History: 1998 MR 3, Eff. Apr. 22, 1998.

R 338.256b Adoption of standards and criteria by reference.

Rule 6b. The board approves and adopts by reference the standards and criteria of the council on optometric practitioner education (cope) that are set forth in the publication entitled "Information and Application for Course Qualification." A copy of the publication may be obtained at no cost from either the Michigan Board of Optometry, P. O. Box 30670, Lansing, MI 48909, or from the Council on Optometric Practitioner Education, Suite 401, 4340 East West Highway, Bethesda, MD 20814.

History: 1998 MR 3, Eff. Apr. 22, 1998.

R 338.257 Relicensure.

Rule 7. (1) An individual whose license has been null and void for less than 3 years under section 16201(3) of the code may be relicensed upon satisfying both of the following requirements:

- (a) Submission of the application and fees.
- (b) Submission of 36 hours of continuing education in programs approved by the board that have been earned within the 2-year period immediately preceding the date of the application.

(2) An individual whose license has been null and void for more than 3 years under section 16201(4) of the code may be relicensed upon compliance with subrule (1) of this rule and upon satisfying either of the following requirements:

- (a) Establish that the applicant has been licensed and engaged in the practice of optometry in another state and successfully completed the board's jurisprudence examination.
- (b) Take and pass the board's clinical examination.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 1998 MR 3, Eff. Apr. 22, 1998.

R 338.258

Source: 1983 AACS.

R 338.259

Source: 1994 AACS.

R 338.260

Source: 1997 AACS.

R 338.261

Source: 1983 AACS.

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R 338.262—R 338.264

Source: 1997 AACS.

R 338.265 Rescinded.

History: 1944 AC; 1954 AC; 1954 ACS 1, Eff. Mar. 1, 1955; 1979 AC; rescinded 1998 MR, Eff. Apr. 22, 1998.

R 338.266

Source: 1997 AACS.

R 338.267 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; rescinded 1998 MR 3, Eff. Apr. 22, 1998.

R 338.268

Source: 1997 AACS.

R 338.269 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; rescinded 1998 MR 3, Eff. Apr. 22, 1998.

R 338.271—R 338.273

Source: 1997 AACS.

R 338.274

Source: 1995 AACS.

R 338.275

Source: 1995 AACS.

R 338.276

Source: 1995 AACS.

R 338.277

Source: 1995 AACS.

R 338.278

Source: 1995 AACS.

R 338.279

Source: 1983 AACS.

ADMINISTRATIVE HEARINGS—OPTOMETRY

R 338.281

Source: 1997 AACS.

R 338.282—R 338.288

Source: 1997 AACS.

ONE-DAY EDUCATIONAL PROGRAMS

R 338.291 Unethical and ethical conduct.

Rule 1. Unethical conduct is conduct contrary to the ethics of the optometric profession. Ethical conduct consists of an optometrist's compliance with all of the following provisions:

(a) Advising a patient if consultations with an optometric colleague or reference for other professional care seems advisable.

(b) Verifying frame specifications and the power of all lenses processed from the prescription for the protection of the patient against errors.

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(c) Avoiding holding himself or herself out in a manner that carries any intimation that the optometrist has superior skill or equipment or is superior to other optometrists.

History: 1954 ACS 9, Eff. Feb. 14, 1957; 1979 AC; 1998 MR 3, Eff. Apr. 22, 1998.

R 338.292

Source: 1997 AACS.

BOARD OF REGISTRATION IN PODIATRY
SCOPE OF EXAMINATIONS FOR LICENSURE

R 338.311

Source: 1997 AACS.

R 338.312

Source: 1997 AACS.

BOARD OF PODIATRIC MEDICINE AND SURGERY
ADMINISTRATIVE HEARINGS

R 338.341—R 338.384

Source: 1997 AACS.

DIRECTOR'S OFFICE
PHARMACY

PART 1. GENERAL PROVISIONS

R 338.471a

Source: 1986 AACS.

R 338.472

Source: 1980 AACS.

R 338.473

Source: 1990 AACS.

R 338.473a

Source: 1986 AACS.

R 338.473b

Source: 1997 AACS.

R 338.473c

Source: 1986 AACS.

R 338.473d

Source: 1986 AACS.

R 338.474

Source: 1988 AACS.

R 338.474a

Source: 1983 AACS.

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R 338.475

Source: 1990 AACs.

R 338.476 Rescinded.

History: 1954 ACS 37, Eff. Feb. 14, 1964; 1979 AC; 1979 ACS 4, Eff. Nov. 18, 1980; rescinded 1998 MR 3, Eff. Apr. 22, 1998.

R 338.477 Pharmacy licenses; applications; notice of changes; self-inspection reports.

Rule 7. (1) Each separate pharmacy location where drugs are prepared or dispensed shall be licensed by the board under section 17741 of the code. If multiple locations under the same ownership exist at a single street address and share a central inventory, then only 1 license is required.

(2) A licensee who is moving to a new location shall apply and be approved for a new license for each location before moving. The department shall provide license applications. A licensee shall pay a license fee to the department for each new location.

(3) An applicant that is a partnership or corporation or that operates under an assumed name shall file, with its application for a pharmacy license, certified copies of its partnership certificates, corporate articles, or assumed name certificate. This requirement shall be waived if the application is for additional units and the additional units will be under the same ownership.

(4) A partnership, corporation, or entity operating under an assumed name shall provide the board with written notification of a change in any of the following entities:

(a) Partners.

(b) Stockholders.

(c) Officers.

(d) Members of the board of directors.

(e) The individual pharmacist who is designated as the pharmacy licensee of a licensed pharmacy.

A partnership or corporation shall notify the board within 30 days of the change.

A publicly held corporate pharmacy need not report changes in stockholders.

(5) A person who applies for a new pharmacy license or pharmacy relocation shall send an application and a completed self-inspection report on forms provided by the department.

History: 1954 ACS 37, Eff. Feb. 14, 1964; 1979 AC; 1979 ACS 4, Eff. Nov. 18, 1980; 1992 MR 5, Eff. June 13, 1992; 1998 MR 3, Eff. Apr. 22, 1998.

R 338.477b Requirements for relicensure.

Rule 7b. (1) An applicant for relicensure who has had a lapsed license for 3 years or less under the provisions of section 16201(3) of the code may be relicensed upon compliance with both of the following requirements:

(a) Submission of a completed application on a form provided by the department, together with the requisite fee.

(b) Submission of proof of completion of 30 hours of continuing education that has been earned within the 2-year period immediately preceding the application for relicensure.

(2) An applicant for relicensure who has had a lapsed license for more than 3 years under the provisions of sections 16201(4) and 17733 of the code shall, in addition to the requirements set forth in subrule (1) of this rule, take and pass the board's jurisprudence examination with a score of not less than 75 and have been licensed and engaged in the practice of pharmacy in another state during the period that the applicant's Michigan license is expired or complete a program of practical pharmacy experience that is not less than 200 hours as follows:

(a) The individual shall practice under the personal charge of a currently licensed pharmacist.

(b) The individual shall notify the board, in writing, of the name of the supervising pharmacist and the name and address of the pharmacy before beginning the required practical experience.

(c) When an applicant has completed the required practical experience, the supervising pharmacist shall provide the board with verification of the applicant's completion of the experience.

(3) For purposes of subrule (2) of this rule, "completion of a program of practical pharmacy experience" means professional and clinical instruction in at least all of the following areas:

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- (a) Pharmacy administration and management.
- (b) Drug distribution, use, and control.
- (c) Legal requirements.
- (d) Providing health information services and advising patients.
- (e) Pharmacist's ethical and professional responsibilities.
- (f) Drug and product information.

(4) For purposes of complying with the provisions of subrule (2) of this rule, an applicant may be granted a temporary, nonrenewable license to complete the practical experience.

History: 1979 ACS 4, Eff. Nov. 18, 1980; 1986 MR 2, Eff. Feb. 21, 1986; 1998 MR 3, Eff. Apr. 22, 1998.

R 338.479

Source: 1980 AACs.

R 338.479b Prescriptions.

Rule 9b. (1) A prescriber who issues a written prescription for a noncontrolled legend drug shall date and sign the prescription and shall ensure that the prescription contains all of the following information:

- (a) The full name of the patient for whom the drug is being prescribed.
- (b) The prescriber's printed name and address.
- (c) The drug name and strength.
- (d) The quantity prescribed.
- (e) The directions for use.
- (f) The number of refills authorized.

(2) A prescriber shall ensure that a written prescription is legible and that the information specified in subrule (1)(c) to (f) of this rule is clearly separated.

(3) A prescriber shall not prescribe more than the following on a single prescription form as applicable:

- (a) For a prescription prescribed in handwritten form, up to 4 prescription drug orders.
- (b) For a prescription prescribed on a computer-generated form or a preprinted list or produced on a personal computer or typewriter, up to 6 prescription drug orders.

(4) A prescriber shall not add handwritten drugs to a preprinted form and shall clearly designate which drugs are to be dispensed.

(5) A prescriber shall not prescribe a controlled and noncontrolled substance on the same prescription form.

(6) A prescription is valid for 1 year from the date the prescription was written.

(7) A prescriber shall clearly indicate the total number of drugs prescribed for each prescription.

(8) This rule does not apply to inpatient medical institutions.

History: 1998 MR 3, Eff. Apr. 22, 1998; 2000 MR 4, Eff. Apr. 13, 2000.

R 338.479c Customized patient medication packages (CPMP).

Rule 9c. (1) In place of dispensing 2 or more prescribed drug products in separate containers, a pharmacist may, with the consent of the patient, the patient's caregiver, or a prescriber, provide a customized patient medication package (CPMP). A CPMP is a package which is prepared by a pharmacist for a specific patient and which contains 2 or more prescribed solid oral dosage forms. The CPMP is designed and labeled to indicate the day and time or period of time that the contents within each CPMP are to be taken. The person who dispenses the medication shall instruct the patient or caregiver on the use of the CPMP.

(2) If medication is dispensed in a CPMP, then all of the following conditions shall be met:

(a) Each CPMP shall bear a clearly readable label that states all of the following information:

(i) A serial number for the CPMP itself and a separate identifying serial number for each of the prescription orders for each of the drug products contained in the CPMP.

(ii) The name, strength, physical description, and total quantity of each drug product contained in the CPMP.

(iii) The name of the prescriber for each drug product.

(iv) The directions for use and cautionary statements, if any, contained in the prescription order for each drug product in the CPMP.

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- (v) The date of the preparation of the CPMP.
 - (vi) An expiration date for the CPMP. The date shall not be later than the earliest manufacturer's expiration date for any medication included in the CPMP or 60 days after the date of dispensing.
 - (vii) The name, address, and telephone number of the dispenser.
 - (viii) Any other information, statements, or warnings required for any of the drug products contained in the CPMP.
 - (b) A CPMP shall be accompanied by a patient package insert in case any medication in the CPMP is required to be dispensed with an insert as accompanying labeling. Alternatively, required medication information may be incorporated by the pharmacist into a single educational insert that includes information regarding all of the medications in the CPMP.
 - (c) In the absence of more stringent packaging requirements for any of the drug products contained in the CPMP, each CPMP shall be in compliance with the United States pharmacopeia (USP) and national formulary, as defined in section 17706(2) of the code, for moisture permeation requirements for a class b single-unit or unit-dose container. Each container shall be either not reclosable or so designed as to show evidence of having been opened. All provisions of the poison prevention packaging act, as defined in section 17761(2) of the code, shall be complied with.
 - (d) When preparing a CPMP, the dispenser shall take into account any applicable compendial requirements or guidelines, the physical and chemical compatibility of the dosage forms placed within each container, and any therapeutic incompatibilities that may attend the simultaneous administration of the medications. Medications shall not be dispensed in CPMP packaging in any of the following situations:
 - (i) The USP monograph or official labeling requires dispensing in the original container.
 - (ii) The drugs or dosage forms are incompatible with packaging components or each other.
 - (iii) The drugs are therapeutically incompatible when administered simultaneously.
 - (iv) The drug products require special packaging.
 - (e) If 2 medications have physical characteristics that make them indistinguishable from each other, then the medication shall not be packaged together in the same CPMP.
 - (f) Medications that have been dispensed in CPMP packaging may not be returned to stock or dispensed to another patient when returned to the pharmacy for any reason. If a prescription for any drug contained in the CPMP is changed, then a new appropriately labeled CPMP shall be prepared for the patient.
 - (g) In addition to all individual prescription filing requirements, a record of each CPMP dispensed shall be made and filed. At a minimum each record, shall contain all of the following information:
 - (i) The name and address of the patient.
 - (ii) The serial number of the prescription order for each drug product contained in the CPMP.
 - (iii) Information identifying or describing the design, characteristics, or specifications of the CPMP sufficient to allow subsequent preparation of an identical CPMP for the patient.
 - (iv) The date of preparation of the CPMP and the expiration date assigned.
 - (v) Any special labeling instructions.
 - (vi) The name or initials of the pharmacist who prepared the CPMP.
- History: 1998 MR 2, Eff. Apr. 22, 1998.

R 338.480

Source: 1992 AACS.

R 338.480a Prescription refill records; manual systems; profile systems; automated data processing systems; nonapplicability to inpatient medical institution service; record confidentiality and access.

Rule 10a. (1) A pharmacist shall record prescription refills using only 1 of the systems described in subrule (2), (3), or (4) of this rule and in compliance with the provisions of subrule (2), (3), or (4) of this rule, as applicable.

(2) A pharmacy may utilize a manual system of recording refills if the system is in compliance with both of the following criteria:

(a) The amount and date dispensed shall be entered on the prescription in an orderly fashion and the dispensing pharmacist shall initial the entry. If the pharmacist only initials and dates the prescription, then

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the full face amount of the prescription shall be deemed dispensed.

(b) If the drug that is dispensed is other than the brand prescribed or if the prescription is written generically, then the name of the manufacturer or supplier of the drug dispensed shall be indicated on the prescription.

(3) A pharmacy may utilize a uniform system of recording refills if the system is in compliance with all of the following criteria:

(a) Records shall be created and maintained in written form. All original and refill prescription information for a particular prescription shall appear on single documents in an organized format. The pharmacy shall preserve the records for 5 years. The records are subject to inspection by the board or its agents.

(b) All of the following information for each prescription shall be entered on the record:

(i) The prescription number.

(ii) The patient's name and address.

(iii) The prescriber's name.

(iv) The prescriber's federal drug enforcement administration number, if appropriate.

(v) The number of refills authorized.

(vi) The "dispense as written" instructions, if indicated.

(vii) The name, strength, dosage form, and quantity of the drug prescribed and the drug dispensed originally and upon each refill. If the drug dispensed is other than the brand prescribed or if the prescription is written generically, then the name of the manufacturer or supplier of the drug dispensed shall be indicated.

(viii) The date of issuance of the prescription.

(ix) The date and identifying designation of the dispensing pharmacist for the original filling and for each refill.

(c) Prescription entries shall be made on the record at the time the prescription is first filled and at the time of each refill, except that the format of the record may be organized so that information already entered on the record may appear for a prescription or refill without reentering the information. The dispensing pharmacist is responsible for the completeness and accuracy of the entries and shall initial the record each time a prescription is filled or refilled.

(d) The information required by subdivision (b) of this subrule shall be entered on the record for all prescriptions filled at a pharmacy, including nonrefillable prescriptions. This requirement is in addition to the requirements set forth in R 338.480.

(4) A pharmacy may utilize a uniform automated data processing system of recording refills if the system is in compliance with all of the following criteria:

(a) All information that is pertinent to a prescription shall be entered on the record, including all of the following information:

(i) The prescription number.

(ii) The patient's name and address.

(iii) The prescriber's name.

(iv) The prescriber's federal drug enforcement administration number, if appropriate.

(v) The number of refills authorized.

(vi) Whether the drug must be dispensed as written.

(vii) The name, strength, dosage form, and quantity of the drug prescribed and the drug dispensed originally and upon each refill. If the drug dispensed is other than the brand prescribed or if the prescription is written generically, then the name of the manufacturer or supplier of the drug dispensed shall be indicated.

(viii) The date of issuance of the prescription.

(ix) The date and identifying designation of the dispensing pharmacist for the original filling and for each refill.

(b) Prescription entries shall be made on the record at the time the prescription is first filled and at the time of each refill, except that the format of the record may be organized so that information already entered on the record may appear for a prescription or refill without reentering the information. The dispensing pharmacist is responsible for the completeness and accuracy of the entries. The pharmacy shall preserve the records on-site for 5 years. The records are subject to inspection by the board or its agents. A procedure shall be established to facilitate inspections.

(c) The required information shall be entered on the record for all prescriptions filled at the pharmacy,

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including nonrefillable prescriptions. This requirement is in addition to the requirements set forth in R 338.480.

(d) The recording system shall provide adequate safeguards against improper manipulation, the alteration of records, and the loss of records.

(e) The recording system shall have the capability of producing a printout of all original and refilled prescription data, including a prescription-by-prescription and refill-by-refill audit trail for any specified strength and dosage form of a controlled substance by either brand or generic name or an audit trail of controlled substance prescriptions written for a particular patient or by a particular practitioner. A printout of an audit trail or other required information shall be made available to an authorized agent of the board upon request. The prescription data shall be maintained for 5 years. Data older than 16 months shall be provided within 72 hours of the time the request is first made by the agent. Prescription data for the most current 16 months shall be readily retrievable on site and available for immediate review.

(f) If the automated data processing system is inoperative for any reason, then the pharmacist shall ensure that all refills are authorized and that the maximum number of refills is not exceeded. When the automated data processing system is restored to operation, the pharmacist shall enter the information regarding prescriptions filled and refilled during the inoperative period into the automated data processing system within 48 hours.

(g) A pharmacy shall make arrangements with the supplier of data processing services or materials to assure that the pharmacy continues to have adequate and complete prescription and dispensing records if the relationship with the supplier terminates for any reason. A pharmacy shall assure continuity in the maintenance of records.

(h) The automated data processing system shall be an integrated system that is capable of complying with all of the requirements of these rules.

(5) This rule does not apply to inpatient medical institution service.

(6) Records that are created under subrule (3) or (4) of this rule are subject to the same requirements regarding confidentiality and access that apply to original prescriptions.

History: 1992 MR 5, Eff. June 13, 1992; 1998 MR 3, Eff. Apr. 22, 1998.

R 338.481 Professional and technical equipment and supplies.

Rule 11. (1) A pharmacy shall be equipped with necessary drawers, shelves, storage cabinets, and prescription files. A sink that has hot and cold running water and a refrigerator of reasonable capacity shall be in the pharmacy department.

(2) A pharmacy shall have current editions or revisions of the Michigan pharmacy laws and rules and not less than 2 current or revised pharmacy reference texts that pertain to pharmacology, drug interactions, or drug composition. A current electronic medium version of pharmacy reference texts meets the requirements of this subrule.

(3) A pharmacy shall have the necessary technical equipment to compound and dispense prescription drugs.

History: 1954 ACS 37, Eff. Feb. 14, 1964; 1954 ACS 95, Eff. Mar. 18, 1978; 1979 AC; 1979 ACS 4, Eff. Nov. 18, 1980; 1992 MR 5, Eff. June 13, 1992; 1998 MR 3, Eff. Apr. 22, 1998.

R 338.482

Source: 1980 AACS.

R 338.483

Source: 1997 AACS.

R 338.485—R 338.485y

Source: 1997 AACS.

R 338.486 “Medical institution” and “pharmacy services” defined; pharmacy services in medical institutions.

Rule 16. (1) As used in this rule:

(a) “Medical institution” means a hospital, skilled nursing facility, county medical care facility, nursing home, or other health facility which is licensed or approved by the state and which directly or indirectly

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provides or includes pharmacy services.

(b) "Pharmacy services" means the direct and indirect patient care services associated with the practice of pharmacy.

(2) Pharmacy services shall be directed and provided by a licensed pharmacist.

(3) Pharmacy personnel who assist the pharmacist by performing delegated functions in the care of inpatients shall be supervised by a pharmacist who is on the premises of the medical institution.

(4) The pharmacist who directs the pharmacy services shall develop, implement, supervise, and coordinate all of the services provided, including, at a minimum, all of the following:

(a) Dispensing medications in a form that minimizes additional preparation before administration to the patient, including the admixture of parenterals.

(b) Obtaining the prescriber's original medication order, a direct carbonized copy, an electromechanical facsimile, or other electronic order transmission. Security measures shall be in place to ensure that system access by unauthorized individuals is not allowed.

(c) Interpreting and reviewing the prescriber's medication orders and communicating problems with these orders to the physician or nurse before administration of first doses. If the interpretation and review will cause a medically unacceptable delay, then a limited number of medications may be stocked at the patient care areas for the administration of first doses. These medications shall be provided in a manner that ensures security and immediate availability, such as sealed or secured medication kits, carts, or treatment trays. A pharmacist shall routinely inspect the medications and, after use, shall verify the contents and replace the medications as necessary.

(d) Monitoring medication therapy to promote positive patient outcomes while evaluating clinically significant chemical and therapeutic incompatibilities.

(e) Establishing the specifications for the procurement of all pharmaceuticals and related biologicals and chemicals approved for use in the medical institution.

(f) Periodically inspecting all areas in the medical institution where medications are stored to verify compliance with the standards for the safe use and storage of the medications.

(g) Maintaining proper security for all medications stored or kept within the medical institution.

(h) Providing educational programs regarding medications and their safe use.

(i) Providing a method by which medications can be obtained during the absence of a pharmacist in a medical institution where a pharmacist is not available 24 hours a day. The method shall minimize the potential for medication error. During the absence of a pharmacist, the services of a pharmacist shall be available on an on-call basis. Only a limited number of medications that are packaged in units of use shall be available. The medications shall be approved and reviewed periodically as deemed necessary, but not less than once a year, by an appropriate interdisciplinary practitioner committee of the medical institution. The medication shall be kept in a securely locked, substantially constructed cabinet or its equivalent in an area of limited access in a centralized area outside the pharmacy. Each medication shall be labeled to include the name of the medication, the strength, the expiration date, if dated, and the lot number. A written order and a proof of removal and use document shall be obtained for each medication unit removed. The order and document shall be reviewed by the pharmacist within 48 hours of removing medication from the cabinet or its equivalent. The pharmacist who directs pharmacy services in the medical institution shall designate the practitioners who are permitted to remove the medication. A pharmacist shall audit the storage locations as often as needed to guarantee control, but not less than once every 30 days.

(5) Upon recommendation of an interdisciplinary practitioners committee, the pharmacist who directs pharmacy services in the medical institution shall adopt written policies and procedures to promote safe medication practices, to conduct medication utilization review, to approve medications for the medical institution's formulary or medication list, and to promote positive patient outcomes. A pharmacist shall meet with the committee at least quarterly to conduct assigned responsibilities.

(6) A pharmacy shall ensure that every medication dispensed is identified with its name and strength labeled on the container in which it is dispensed or on each single unit package. A pharmacy that is engaged in drug distribution to medical institutions which use unit-of-use packaging shall place identification on the label of its package to allow the package to be readily traced. The name of the patient and any identifying number shall be labeled on the medication container. The container may be the individual patients' assigned medication drawer. The directions for use shall be on the label of the container if the directions are

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not communicated in another effective manner. If the medication is to be self-administered, then directions for use shall be on the container. The preceding provisions of this subrule are minimum labeling standards only and do not supersede other applicable laws or rules.

(7) A pharmacist shall personally supervise the destruction of unused portions of prescription medication, other than controlled substances under part 71 of the code, dispensed to patients. However, medications in single-unit packages and intravenous solutions which are designed to be tamper-evident and which show no evidence that tampering has occurred may be returned to stock. Medications that leave the medical institution or its legal affiliates may not be returned to stock for redispensing.

(8) The licensed pharmacist who directs pharmacy services in the medical institution shall make the policies, procedures, and written reports required by this rule available to the board of pharmacy, upon request.

History: 1954 ACS 37, Eff. Feb. 14, 1964; 1954 ACS 39, Eff. Aug. 14, 1964; 1954 ACS 86, Eff. Jan. 7, 1976; 1979 AC; 1979 ACS 4, Eff. Nov. 18, 1980; 1998 MR 3, Eff. Apr. 22, 1998.

R 338.488

Source: 1990 AACS.

R 338.489

Source: 1981 AACS.

R 338.490 Professional responsibility; “caregiver” defined.

Rule 20. (1) A pharmacist has a professional responsibility for the strength, quality, purity, and the labeling of all drugs and devices dispensed under a prescription. In discharging this responsibility, a pharmacist shall utilize only those drugs and devices that are obtained from manufacturers and wholesale distributors licensed under section 17748 of the code or from other lawful channels of distribution.

(2) A pharmacist shall not fill a prescription order if, in the pharmacist’s professional judgment, any of the following provisions apply:

- (a) The prescription appears to be improperly written.
- (b) The prescription is susceptible to more than 1 interpretation.
- (c) The pharmacist has reason to believe that the prescription could cause harm to the patient.
- (d) The pharmacist has reason to believe that the prescription will be used for other than legitimate medical purposes.

(3) A prescription drug shall only be dispensed when the pharmacy is open and under the personal charge of a pharmacist.

(4) To encourage intended, positive patient outcomes, a pharmacist shall communicate, to the patient or the patient’s caregiver, necessary and appropriate information regarding safe and effective medication use at the time a prescription is dispensed. As used in this subrule, “caregiver” means the parent, guardian, or other individual who has assumed responsibility for providing a patient’s care. All of the following provisions apply to communicating medication safety and effectiveness information:

(a) The information shall be communicated orally and in person, except when the patient or patient’s caregiver is not at the pharmacy or when a specific communication barrier prohibits oral communication. In either situation, providing printed material designed to help the patient use the medication safely and effectively satisfies the requirements of this subrule.

(b) The information shall be provided with each prescription for a drug not previously prescribed for the patient.

(c) If the pharmacist deems it appropriate, the information shall be provided with prescription refills.

(d) The information shall be provided if requested by the patient or patient’s caregiver or agent for any prescription dispensed by the pharmacy. This subrule does not require that a pharmacist provide consultation if a patient or a patient’s caregiver refuses consultation. This subrule does not apply to prescriptions dispensed for administration to a patient while the patient is in a medical institution.

(5) Pharmacist delegation of acts, tasks, or functions shall be in compliance with section 16215 of the code and under the personal charge of the delegating pharmacist, except as provided in R 338.486(3). A

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pharmacist who delegates acts, tasks, or functions to a licensed or unlicensed person shall do all of the following:

- (a) Determine the knowledge and skill required to safely and competently complete the specific act, task, or function to be delegated.
- (b) Before delegating an act, task, or function, make a determination that the delegatee has the necessary knowledge and skills to safely and competently complete the act, task, or function.
- (c) Provide written procedures or protocols, or both, to be followed by the delegatee in the performance of the delegated act, task, or function.
- (d) Supervise and evaluate the performance of the delegatee.
- (e) Provide remediation of the performance of the delegatee if indicated.
- (6) A delegating pharmacist shall bear the ultimate responsibility for the performance of delegated acts, tasks, and functions performed by the delegatee within the scope of the delegation.

History: 1954 ACS 37, Eff. Feb. 14, 1964; 1954 ACS 61, Eff. Feb. 16, 1970; 1979 AC; 1990 MR 8, Eff. Sept. 13, 1990; 1998 MR 3, Eff. Apr. 22, 1998.

PART 2. MANUFACTURING AND DISTRIBUTION OF PRESCRIPTION DRUGS

R 338.493a Applicability; distributions by pharmacies; license requirements.

Rule 23a. (1) These rules apply to a manufacturer or wholesale distributor that is licensed to do business in this state on or after September 1, 1992, or that applies for a license to do business in this state on or after September 1, 1992.

(2) If the total number of dosage units of all prescription drugs that are distributed by a pharmacy to a person as defined in section 1106 of the code, during any consecutive 12-month period is more than 5% of the total number of dosage units of prescription drugs distributed and dispensed by the pharmacy during the 12-month period, then the pharmacy is a wholesale distributor as defined in section 17709(2) of the code.

(3) If the total number of dosage units of all prescription drugs that are prepared or compounded by a pharmacy for resale, compounding, or dispensing by another person, as defined in section 1106 of the code, during any consecutive 12-month period is more than 5% of the total number of dosage units of prescription drugs prepared by the pharmacy during the 12-month period, then the pharmacy is a manufacturer as defined in section 17706(1) of the code.

(4) A manufacturer or wholesale distributor that distributes prescription drugs in Michigan only from a location outside of Michigan shall obtain a license to do business in Michigan. A manufacturer or wholesale distributor that manufactures or distributes prescription drugs in Michigan from 1 or more locations in Michigan shall obtain a separate license for each location in Michigan where prescription drugs are manufactured or distributed.

History: 1954 ACS 47, Eff. Aug. 14, 1966; 1979 AC; 1979 ACS 4, Eff. Nov. 18, 1980; 1992 MR 7, Eff. Sept. 1, 1992; 1998 MR 3, Eff. Apr. 22, 1998.

R 338.493b

Source: 1992 AACS.

R 338.493c

Source: 1992 AACS.

R 338.493d

Source: 1992 AACS.

R 338.493e Rescinded.

History: 1954 ACS 47, Eff. Aug. 14, 1966; 1979 AC; 1979 ACS 4, Eff. Nov. 18, 1980; 1992 MR 7, Eff. Sept. 1, 1992; rescinded 1998 MR 3, Eff. Apr. 22, 1998.

R 338.493f

Source: 1981 AACS.

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R 338.493g

Source: 1992 AACS.

R 338.493h

Source: 1997 AACS.

R 338.494

Source: 1997 AACS.

R 338.495 Rescinded.

History: 1954 ACS 87, Eff. Apr. 21, 1976; 1979 AC; 1988 MR 6, Eff. July 8, 1988; rescinded 1998 MR 3, Eff. Apr. 22, 1998.

R 338.496 Rescinded.

History: 1954 ACS 87, Eff. Apr. 21, 1976; 1979 AC; rescinded 1998 MR 3, Eff. Apr. 22, 1998.

R 338.497

Source: 1981 AACS.

PART 3. MEDICATION DRUG BOX EXCHANGE PROGRAMS FOR HOSPICE

R 338.500

Source: 1995 AACS.

**BOARD OF REGISTRATION FOR ARCHITECTS,
PROFESSIONAL ENGINEERS, AND LAND SURVEYORS**
BYLAWS AND RULES

R 338.551—R 338.563

Source: 1997 AACS.

Editor's note: These rules were rescinded by each board insofar as they applied to that particular board.

HEARINGS

R 338.581—R 338.588

Source: 1997 AACS.

Editor's note: These rules were rescinded by each board insofar as they applied to that particular board.

BOARD OF EXAMINERS IN MORTUARY SCIENCE

GENERAL RULES

R 338.863—R 338.869

Source: 1997 AACS.

HEARINGS

R 338.881

Source: 1997 AACS.

DIRECTOR'S OFFICE

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MECHANICAL RULES LICENSE EXAMINATION PROCEDURES

R 338.901

Source: 1986 AACS.

R 338.902

Source: 1986 AACS.

R 338.903

Source: 1986 AACS.

R 338.904

Source: 1986 AACS.

R 338.905

Source: 1986 AACS.

R 338.906

Source: 1986 AACS.

R 338.907

Source: 1986 AACS.

R 338.908

Source: 1986 AACS.

R 338.909

Source: 1986 AACS.

R 338.910

Source: 1986 AACS.

R 338.911

Source: 1986 AACS.

R 338.912

Source: 1986 AACS.

R 338.913

Source: 1986 AACS.

R 338.914

Source: 1986 AACS.

PLUMBING—LICENSES

R 338.921

Source: 1985 AACS.

R 338.922

Source: 1985 AACS.

R 338.923

Source: 1985 AACS.

R 338.924

Source: 1985 AACS.

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R 338.926

Source: 1985 AACS.

R 338.927

Source: 1985 AACS.

R 338.928

Source: 1985 AACS.

R 338.929

Source: 1985 AACS.

R 338.930

Source: 1985 AACS.

R 338.931

Source: 1985 AACS.

REFUND OF FEES

R 338.941 Definitions.

Rule 1. As used in these rules:

- (a) "Department" means the department of consumer and industry services.
- (b) "Fee" means a fee for a permit, license, registration, examination, reexamination, certificate, verification, transfer, publication, or change of address.
- (c) "Incapacitated" means an illness or injury which prevents a person from performing the occupation for which the person is licensed, registered, or certified.
- (d) "Partial refund" means a refund of the fee paid minus a service charge of \$15.00.

History: 1979 ACS 4, Eff. Nov. 19, 1980; 2000 MR 13, Eff. Sept. 1, 2000.

R 338.942

Source: 1981 AACS.

R 338.943

Source: 1981 AACS.

R 338.944

Source: 1980 AACS.

**HEALTH CODE BOARDS DISCIPLINARY
PROCEEDINGS—FILINGS BEFORE APRIL 1, 1994**

R 338.951

Source: 1980 AACS.

R 338.952

Source: 1996 AACS.

R 338.953

Source: 1980 AACS.

R 338.954

Source: 1980 AACS.

R 338.955

Source: 1980 AACS.

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R 338.956
Source: 1980 AACS.

R 338.957
Source: 1980 AACS.

R 338.958
Source: 1980 AACS.

R 338.959
Source: 1980 AACS.

R 338.960
Source: 1980 AACS.

R 338.961
Source: 1980 AACS.

R 338.962
Source: 1980 AACS.

R 338.963
Source: 1980 AACS.

R 338.964
Source: 1980 AACS.

R 338.965
Source: 1980 AACS.

R 338.966
Source: 1980 AACS.

R 338.967
Source: 1980 AACS.

R 338.968
Source: 1980 AACS.

R 338.969
Source: 1980 AACS.

R 338.970
Source: 1980 AACS.

R 338.971
Source: 1980 AACS.

R 338.972
Source: 1980 AACS.

R 338.973
Source: 1980 AACS.

R 338.974
Source: 1980 AACS.

R 338.975
Source: 1980 AACS.

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R 338.976
Source: 1980 AACS.

R 338.977
Source: 1980 AACS.

R 338.978
Source: 1980 AACS.

R 338.979
Source: 1980 AACS.

R 338.980
Source: 1980 AACS.

R 338.981
Source: 1980 AACS.

R 338.982
Source: 1980 AACS.

R 338.983
Source: 1980 AACS.

R 338.984
Source: 1980 AACS.

R 338.985
Source: 1980 AACS.

R 338.986
Source: 1980 AACS.

R 338.987
Source: 1980 AACS.

R 338.988
Source: 1980 AACS.

R 338.989
Source: 1980 AACS.

R 338.990
Source: 1980 AACS.

ELECTRICAL RULES

R 338.1001
Source: 1997 AACS.

R 338.1001a
Source: 1994 AACS.

R 338.1002
Source: 1997 AACS.

R 338.1002a
Source: 1994 AACS.

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R 338.1003
Source: 1997 AACs.

R 338.1003a
Source: 1996 AACs.

R 338.1004
Source: 1997 AACs.

R 338.1004a
Source: 1994 AACs.

R 338.1005
Source: 1997 AACs.

R 338.1005a
Source: 1994 AACs.

R 338.1005b
Source: 1996 AACs.

R 338.1005c
Source: 1996 AACs.

R 338.1005d
Source: 1996 AACs.

R 338.1006
Source: 1997 AACs.

R 338.1006a
Source: 1996 AACs.

R 338.1006b
Source: 1996 AACs.

R 338.1007
Source: 1997 AACs.

R 338.1007a
Source: 1994 AACs.

R 338.1008
Source: 1997 AACs.

R 338.1008a
Source: 1994 AACs.

R 338.1009
Source: 1997 AACs.

R 338.1009a
Source: 1994 AACs.

R 338.1010a
Source: 1994 AACs.

R 338.1011
Source: 1997 AACs.

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R 338.1011a
Source: 1996 AACS.

R 338.1012
Source: 1997 AACS.

R 338.1012a
Source: 1994 AACS.

R 338.1013
Source: 1997 AACS.

R 338.1013a
Source: 1996 AACS.

R 338.1014
Source: 1997 AACS.

R 338.1014a
Source: 1996 AACS.

R 338.1015
Source: 1997 AACS.

R 338.1015a
Source: 1996 AACS.

R 338.1016
Source: 1997 AACS.

R 338.1016a
Source: 1994 AACS.

R 338.1017
Source: 1997 AACS.

R 338.1017a
Source: 1996 AACS.

R 338.1018
Source: 1997 AACS.

R 338.1018a
Source: 1994 AACS.

R 338.1019
Source: 1997 AACS.

R 338.1020
Source: 1997 AACS.

R 338.1021
Source: 1997 AACS.

R 338.1022
Source: 1997 AACS.

R 338.1022a
Source: 1994 AACS.

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R 338.1023

Source: 1997 AACS.

R 338.1023a

Source: 1994 AACS.

R 338.1024

Source: 1997 AACS.

R 338.1027a

Source: 1996 AACS.

R 338.1031, R 338.1032

Source: 1997 AACS.

R 338.1033

Source: 1997 AACS.

R 338.1035a

Source: 1994 AACS.

R 338.1037a

Source: 1994 AACS.

R 338.1039a

Source: 1994 AACS.

R 338.1041—R 338.1046

Source: 1997 AACS.

R 338.1051—R 338.1063

Source: 1997 AACS.

R 338.1071—R 338.1077

Source: 1997 AACS.

R 338.1081

Source: 1997 AACS.

R 338.1082, R 338.1083

Source: 1997 AACS.

R 338.1084—R 338.1087

Source: 1997 AACS.

R 338.1088

Source: 1997 AACS.

R 338.1099a

Source: 1994 AACS.

STATE BOARD OF PHYSICAL THERAPY REGISTRATION
GENERAL RULES

R 338.1131—R 338.1151

Source: 1997 AACS.

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**DIRECTOR'S OFFICE
PHYSICAL THERAPY**

PART 3. ADMINISTRATIVE HEARINGS

R 338.1161
Source: 1997 AACs.

R 338.1162—R 338.1185
Source: 1997 AACs.

OCCUPATIONAL THERAPISTS

R 338.1191
Source: 1993 AACs.

R 338.1192
Source: 1993 AACs.

R 338.1194
Source: 1997 AACs.

R 338.1196
Source: 1997 AACs.

R 338.1197
Source: 1997 AACs.

R 338.1197a
Source: 1997 AACs.

R 338.1198
Source: 1993 AACs.

R 338.1200
Source: 1997 AACs.

NURSING

R 338.1201
Source: 1997 AACs.

R 338.1202—R 338.1235
Source: 1997 AACs.

PART 4. ADMINISTRATIVE HEARINGS

R 338.1241
Source: 1997 AACs.

R 338.1242—R 338.1265
Source: 1997 AACs.

BOARD OF PROFESSIONAL COMMUNITY PLANNERS

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GENERAL RULES

R 338.1301

Source: 1997 AACS.

APPLICATIONS

R 338.1303—R 338.1305

Source: 1997 AACS.

R 338.1306

Source: 1997 AACS.

R 338.1307

Source: 1997 AACS.

EXAMINATIONS

R 338.1311—R 338.1315

Source: 1997 AACS.

REGISTRATION

R 338.1321

Source: 1997 AACS.

R 338.1322

Source: 1997 AACS.

R 338.1323

Source: 1997 AACS.

R 338.1324

Source: 1997 AACS.

HEARINGS

R 338.1341

Source: 1997 AACS.

R 338.1342

Source: 1997 AACS.

DIRECTOR'S OFFICE

HOROLOGY

R 338.1401—R 338.1427

Source: 1997 AACS.

RESIDENTIAL BUILDERS' AND MAINTENANCE AND ALTERATION CONTRACTORS' BOARD

GENERAL RULES

PART 1. GENERAL

R 338.1512 Rescinded.

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History: 1954 ACS 49, Eff. Feb. 14, 1967; 1979 AC; Rescinded 1998 MR 5, Eff. Jun. 11, 1998.

R 338.1519

Source: 1990 AACS.

PART 2. LICENSES AND BONDS

R 338.1522

Source: 1997 AACS.

R 338.1523

Source: 1997 AACS.

R 338.1523a Rescinded.

History: 1954 ACS 100, Eff. Sept. 11, 1979; 1979 AC; Rescinded 1998 MR 5, Eff. Jun. 11, 1998.

PART 5. COMPLAINTS AND HEARINGS

R 338.1554

Source: 1997 AACS.

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**HEALTH CODE BOARDS DISCIPLINARY PROCEEDINGS—FILINGS ON OR AFTER APRIL 1,
1994**

R 338.1601

Source: 1996 AACS.

R 338.1602

Source: 1996 AACS.

R 338.1603

Source: 1996 AACS.

R 338.1604

Source: 1996 AACS.

R 338.1605

Source: 1996 AACS.

R 338.1606

Source: 1996 AACS.

R 338.1607

Source: 1996 AACS.

R 338.1608

Source: 1996 AACS.

R 338.1609

Source: 1996 AACS.

R 338.1610

Source: 1996 AACS.

R 338.1611

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Source: 1996 AACS.

R 338.1612

Source: 1996 AACS.

R 338.1614

Source: 1996 AACS.

R 338.1615

Source: 1996 AACS.

R 338.1616

Source: 1996 AACS.

R 338.1617

Source: 1996 AACS.

R 338.1618

Source: 1996 AACS.

R 338.1619

Source: 1996 AACS.

R 338.1620

Source: 1996 AACS.

R 338.1621

Source: 1996 AACS.

R 338.1622

Source: 1996 AACS.

R 338.1623

Source: 1996 AACS.

R 338.1624

Source: 1996 AACS.

R 338.1625

Source: 1996 AACS.

R 338.1626

Source: 1996 AACS.

R 338.1627

Source: 1996 AACS.

R 338.1628

Source: 1996 AACS.

R 338.1629

Source: 1996 AACS.

R 338.1630

Source: 1996 AACS.

R 338.1631

Source: 1996 AACS.

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R 338.1632
Source: 1996 AACS.

R 338.1633
Source: 1996 AACS.

R 338.1634
Source: 1996 AACS.

R 338.1635
Source: 1996 AACS.

R 338.1636
Source: 1996 AACS.

R 338.1637
Source: 1996 AACS.

COUNSELING

PART 1. GENERAL PROVISIONS

R 338.1751
Source: 1995 AACS.

R 338.1752
Source: 1995 AACS.

R 338.1752a
Source: 1993 AACS.

R 338.1753
Source: 1993 AACS.

R 338.1754
Source: 1995 AACS.

R 338.1756
Source: 1995 AACS.

MARRIAGE COUNSELORS

R 338.1801
Source: 1997 AACS.

PART 1. ORGANIZATION OF BOARD

R 338.1811
Source: 1997 AACS.

R 338.1812
Source: 1997 AACS.

R 338.1813
Source: 1997 AACS.

R 338.1814

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Source: 1997 AACS.

R 338.1815

Source: 1997 AACS.

PART 2. CERTIFICATION

R 338.1821

Source: 1997 AACS.

R 338.1822

Source: 1997 AACS.

R 338.1823

Source: 1997 AACS.

R 338.1824

Source: 1997 AACS.

R 338.1825

Source: 1997 AACS.

PART 3. HEARINGS

R 338.1831

Source: 1997 AACS.

R 338.1832

Source: 1997 AACS.

R 338.1833

Source: 1997 AACS.

R 338.1834

Source: 1997 AACS.

R 338.1835

Source: 1997 AACS.

R 338.1836

Source: 1997 AACS.

R 338.1837

Source: 1997 AACS.

R 338.1841 - 338.1844 Rescinded.

History: 1954 ACS 96, Eff. Aug. 4, 1978; 1979 AC; rescinded 1999 MR 2, Eff. Feb. 22, 1999.

R 338.1861 Rescinded.

History: 1954 ACS 96, Eff. Aug. 9, 1978; 1979 AC; rescinded 1999 MR 2, Eff. Feb. 22, 1999.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTORS OFFICE

HEARING AID DEALERS

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PART 1. LICENSING

R 338.1901 Definitions.

Rule 1. (1) As used in these rules, "Act" means Act No. 299 of the Public Acts of 1980, as amended, being §339.101 et seq. of the Michigan Compiled Laws.

(2) Terms defined in the act have the same meanings when used in these rules.

(3) "Principal office" means the office in which the hearing aid dealer devotes the majority of his or her daily work selling hearing aids to the public.

(4) "Supervision" means the overseeing of and participation in the work of hearing aid salespersons and trainees by the hearing aid dealer. The hearing aid dealer shall do all of the following on a daily basis:

(a) Maintain work communication with supervised licensees in person or by telephone or electronic communications.

(b) Review the practice of supervised licensees.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1905 Eligibility and necessity for licenses.

Rule 5. (1) A licensed hearing aid dealer, hearing aid salesperson, or hearing aid trainee shall make the fitting and mold when an auditory amplification device is in excess of 18dB gain and requires personal fitting of custom earmolds.

(2) Only a licensed hearing aid dealer, a licensed hearing aid salesperson, or a licensed hearing aid trainee under the direction of a licensed dealer may take the necessary impressions and make the fitting of a new or used hearing aid, or the refitting of a hearing aid to an individual.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1954 ACS 72, Eff. June 29, 1972; 1979 AC; 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1906 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; rescinded 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1907 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; rescinded 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1908 Examinations.

Rule 8. (1) The examination shall include, but is not limited to, the following topics, subject to advances in technology which may result in updated examinations as determined by the department:

(a) Physics of sound.

(b) Anatomy and physiology of the ear: Science of hearing and causes of abnormal hearing and rehabilitation.

(c) Pure tone audiometry:

(i) Both air and bone conduction.

(ii) Masking and its use.

(d) Speech testing:

(i) Live and/or recorded.

(ii) Masking and its use.

(iii) Speech reception thresholds and discrimination testing.

(e) Understanding and testing for recruitment, and its application to hearing aid fitting.

(f) Recording and evaluation of audiograms for:

(i) Those determined for medical referrals.

(ii) Those determined for hearing aid use.

(g) Earmold impressions:

(i) Practical demonstrations.

(ii) Kinds, their usage, and application of mold fittings as a result of physical changes.

(h) Basic structure and function of hearing aids.

(2) An individual shall pass all sections of the examination within 24 months, repeating failed sections as

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necessary. Scores are valid for 24 months after the individual first took the complete examination.
History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1909 Examination procedure for trainees.

Rule 9. An applicant must pass the hearing aid salesperson or hearing aid dealer examination not later than 36 months from the date of original licensure as a trainee to continue to be licensed.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1910 Display of wall licenses; pocket cards; salesperson and trainee licenses.

Rule 10. (1) A hearing aid dealer shall display all wall licenses in a conspicuous location in his or her principal office. A licensee shall display his or her pocket card upon request by a consumer or the department.

(2) A hearing aid salesperson or trainee shall be licensed under only 1 hearing aid dealer.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1911 Return of licenses by dealer.

Rule 11. A hearing aid dealer shall return unexpired licenses, terminated voluntarily or by disciplinary action which resulted in suspension or revocation, to the department within 5 days.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1912 Transfer of licenses.

Rule 12. To transfer a license, a licensee shall notify his or her employer and the hearing aid dealer shall return the wall license to the department within 5 days. The new licensed employer shall make application for the transfer of the license of a supervised salesperson or trainee on a form provided by the department and pay the required fee.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1913 Place of business and records.

Rule 13. (1) A hearing aid dealer shall have an actual place of business, which is an established physical location where consumer-testing records, consumer contract records, and annual instrument calibration records are maintained. A hearing aid dealer shall maintain consumer records for minimum of 7 years after a dealer's last transaction with a consumer.

(2) A licensee shall notify the department in writing of a change of name or address within 30 days of the change.

(3) The department may review a licensee's complete set of records of hearing aids sales.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1914 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; rescinded 2000 MR 4, Eff. Apr. 6, 2000.

PART 2. CONDUCT OF BUSINESS

R 338.1921 Advertising.

Rule 21. (1) The name of a licensed dealer shall appear on all advertising intended for general public consumption, including but not limited to, any of the following:

(a) Printed materials.

(b) Media advertising.

(c) Internet or other electronic communications.

(2) This rule does not prohibit the use of a business or corporate name. In the case of hearing centers, health care centers, or other facilities, the name of the facility is permitted if the name of at least 1 licensed hearing aid dealer responsible for the practice is included.

(3) This rule does not apply to promotional materials of limited distribution.

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History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; rescinded 2000 MR 4, Eff. Apr. 6, 2000.

R 338.1922 Prices and contracts.

Rule 22. (1) A hearing aid licensee shall have a complete retail price list showing all hearing aid models for prospective consumers to see.

(2) A licensee shall provide a valid hearing aid sales contract to the consumer which conforms to provisions of all relevant consumer protection acts. The contract shall include all of the following:

(a) Signatures of the licensee and the consumer.

(b) The license number of the licensee.

(c) The make, model, warranty status, and new or used status of the hearing aid. The serial number of the instrument may be added after the manufacture of a new hearing aid.

(3) Any change in the contract shall be noted in writing with the consumer's knowledge and contain both the consumer's and licensee's signatures of approval.

(4) The licensee shall give a copy of the completed and signed contract to the consumer.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; rescinded 2000 MR 4, Eff. Apr. 6, 2000.

HEARING AID DEALERS

PART 3. COMPLAINTS AND HEARINGS

R 338.1941

Source: 1997 AACS.

R 338.1942

Source: 1997 AACS.

R 338.1943

Source: 1997 AACS.

BARBER EXAMINERS

R 338.2001—R 338.2054

Source: 1997 AACS.

COSMETOLOGY

PART 1. GENERAL PROVISIONS

R 338.2101 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 299 of the Public Acts of 1980, as amended, being §339.101 et seq. of the Michigan Compiled Laws.

(b) "Apprenticeship practitioner" means a licensee who is approved by the department and who is engaged in training an apprentice within an establishment.

(c) "Dry sanitizer" means a closed cabinet or container that holds a fumigant chemical sanitizing agent.

(d) "Establishment" means a facility, other than a school, where cosmetology or electrology services are rendered to the public.

(e) "Junior student or apprentice" means a person who has not qualified to work on the general public.

(f) "Minimum practical application" means a service performed on a mannequin, student, student, or patron.

(g) "Reactive chemicals" means, but is not limited to, any of the following:

(i) Permanent wave solutions.

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- (ii) Relaxers.
 - (iii) Temporary, semipermanent, or permanent hair colorings.
 - (iv) Hair lighteners.
 - (v) Acids.
 - (vi) Bases.
 - (vii) Creams.
 - (viii) Fluids.
 - (ix) Any other preparation designed to modify or rearrange the structure of the hair, skin, or nails.
 - (h) "School" means a school of cosmetology as defined in §1201(p) of the act.
 - (i) "Senior student or apprentice" means a person who has qualified to work on the general public.
 - (j) "Specialist demonstrator" means a person imparting specialized knowledge to students under the supervision of a licensed instructor within a school of cosmetology or electrology.
 - (k) "Wet sanitizer" means a container that holds a liquid chemical sanitizing agent.
- History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2102 Board meetings.

Rule 2. All board meetings are open to the public, in accordance with Act No. 267 of the Public Act of 1976, as amended, being section 15.261 et seq., and known as the open meetings act.
History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2103 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2106 Rescinded.

History: 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2107 Rescinded.

History: 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

PART 2. LICENSES AND PERMITS

R 338.2121 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2122 Specialist demonstrators.

Rule 22. A specialist demonstrator who gives a classroom demonstration under the supervision of a licensed instructor is not teaching.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2123 School applications.

Rule 23. (1) A person applying for a license to conduct a school shall submit all of the following to the department:

- (a) A copy of the student contract to be used, which shall be subject to department approval.
 - (b) A copy of the school curriculum, which meets minimum requirements for each program offered.
- (2) A change in the curriculum shall be promptly reported to the department and shall be subject to department approval.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2124 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

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R 338.2125 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1954 ACS 73, Eff. Oct. 11, 1972; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2126 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2127 Change of ownership or relocation; closure.

Rule 27. (1) If an establishment or school changes ownership or location, the parties involved shall inform the department of the change, in writing, within 30 calendar days. A new application showing the new ownership or the new location, together with the applicable fees and a copy of the existing license shall be filed with the department.

(2) Before a school is closed or changes ownership, the department shall be notified, in writing, and shall be furnished with a copy of the school's enrolled student records of examinations, credit hours, and minimum practical applications.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1999 MR 11, Eff. Nov. 17, 1999.

PART 3. FACILITIES AND EQUIPMENT

R 338.2131 "Equivalent" defined; proof of educational grade equivalency.

Rule 31. "Equivalent," as used in the act when referring to educational grade levels, means the passing of a standard examination which is equal to or greater than the required grade level. If there is no grade equivalency test available, the department shall accept a statement from a school administrator indicating that the person has potential and scholastic achievement equal to the required grade.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1954 ACS 73, Eff. Oct. 11, 1972; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2132 School and apprentice training program requirements.

Rule 32. (1) A school or apprenticeship practitioner shall have all of the following items:

- (a) Instructional visual aids for teaching the prescribed curriculum.
- (b) One bulletin board in the student or apprentice area.
- (c) Seating facilities for patrons.
- (d) One chair that has writing facilities for each attending student or apprentice.
- (e) Sufficient practical training stations and equipment so that students or apprentices are not required to share a station or equipment during practical training periods.
- (f) A shampoo bowl installed in a classroom other than the main clinic classroom, unless a limited school of electrology.
- (g) Adequate space per attending student for theory or non-practical classroom training.
- (h) A chalkboard or the equivalent of sufficient size to be seen from the back of the room in which it is used.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1954 ACS 73, Eff. Oct. 11, 1972; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2132a Rescinded.

History: 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2133 Credit of school hours to apprenticeship training prohibited; credit of apprenticeship training to school training prohibited.

Rule 33. (1) School credit hours shall not be credited to apprenticeship training.

(2) Apprenticeship months of training shall not be credited to school credit hours.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2134 Enrollment.

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Rule 34. (1) A school shall report the enrollment of a student and submit the registration fee to the department within 60 days after the student begins a course of instruction.

(2) A student requesting hours from a previous enrollment shall pass practical and theory examinations on the subject areas previously studied. The school shall notify the department of the number of hours accepted and the number of minimum practical applications verified for any student who has hours from previous training.

(3) A student shall not be granted credit for more hours than are verified by the school of previous enrollment.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2135 Temporary records.

Rule 35. (1) A school or apprenticeship practitioner shall keep temporary records of students. The temporary records shall be maintained until the termination of training and shall include all of the following information:

(a) The daily attendance record.

(b) A daily record of the minimum practical applications performed.

(c) Progress records.

(2) A school or apprenticeship practitioner shall keep a monthly record of all student or apprentice enrollment. A copy of each month's report shall be placed on the school bulletin board in the student area. A report shall be submitted to the department before the tenth day of the following month and shall contain all of the following information for each student or apprentice:

(a) Name in alphabetical order.

(b) Hours for that month.

(c) Accumulated hours of credit.

(d) Enrollment status and program.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2136 Permanent records.

Rule 36. (1) A school or apprenticeship practitioner shall keep permanent records of students or apprentices. The permanent records shall be maintained for not less than 7 years after the last date of attendance of the student or apprentice.

(2) The records shall be available to the department upon request and shall include all of the following information:

(a) A summary of the attendance record.

(b) A summary of the hours of training, including the number of minimal practical applications.

(c) The date of the enrollment and the last date of attendance.

(d) The final grades.

(e) A copy of the contract.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2137 Student and apprentice supplies.

Rule 37. (1) A school or apprenticeship practitioner shall furnish a copy of the act and these rules to each student or apprentice.

(2) All necessary materials, equipment, and supplies shall be furnished to students or apprentices for work performed on the public. The contract between the school or apprenticeship practitioner and the student or apprentice shall contain a list of any charges for additional materials, supplies, or equipment other than that required to adequately train students or apprentices under the prescribed curriculum.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2138 Theory instruction.

Rule 38. Theory shall be taught throughout a course as applied to practical training under §1205(5)(c) of the act.

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History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2139 Board examination.

Rule 39. (1) To be eligible to take the state board examination, a student or apprentice shall satisfactorily complete the course of study and shall pass a final examination on each subject with a score of not less than 75%.

(2) A school or apprenticeship practitioner shall provide certification, to the department or its designees, that the student or apprentice has completed all requirements before the student or apprentice applies for the state board examination.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2139a Course designation and credit provisions.

Rule 39a. (1) A school may give elective or advanced courses to a person in a subject in which the person is licensed to practice. Elective or advanced courses shall not be given in conjunction with the training of students enrolled in a curriculum prescribed in these rules.

(2) A student or apprentice may be credited for a maximum of 35 hours spent in training in the cosmetology curriculum outside the school or establishment premises. Electrology, skin care, manicuring, and natural hair culturist students or apprentices may be credited with a maximum of 15 hours spent in training in their specialty outside the school or establishment premises.

(3) Lost time in any program may be made up in accordance with §1205(5)(a) of the act.

(4) A school or apprenticeship practitioner shall report the termination of any student or apprentice to the department in writing.

History: 1999 MR 11, Eff. Nov. 17, 1999.

PART 4. ADVERTISING; REGISTRATION; EXAMINATION; RECORDS; TRANSFERS

R 338.2141 Student supervision.

Rule 41. A student shall be supervised by a licensed instructor for all credited time and services.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2142 Uniform and name badges required.

Rule 42. (1) All of the following persons shall be required to wear uniforms and name badges by which the person and program are easily identified:

- (a) Students.
- (b) Instructors.
- (c) Electrology instructors.
- (d) Limited specialist instructors.
- (e) Limited instructors.
- (f) Apprentices.

(2) Uniforms shall be kept neat, clean, and sanitary.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2143 Student practice.

Rule 43. (1) A student shall not practice in an establishment before receiving a license.

(2) A student practicing on the public outside of school may be ineligible to take the state board examination.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2144 School examinations.

Rule 44. (1) A school shall give written, practical, and oral examinations on all curriculum subjects throughout the course of instruction.

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(2) A school shall administer review and final examinations, including a theory and practical examination, before certification for the state board examination.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2145 Public notice.

Rule 45. (1) A school shall display a sign designating it as a licensed school.

(2) A school shall not operate as an establishment, but it may, for teaching purposes, practice on the public if it advertises that the work is done solely by students. An instructor shall not perform services on the public for compensation in a school.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2146 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2147

Source: 1997 AACS.

R 338.2148 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1954 ACS 73, Eff. Oct. 11, 1972; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2149 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1954 ACS 73, Eff. Oct. 11, 1972; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

PART 5. CURRICULUM

R 338.2151 Application for apprenticeship.

Rule 51. (1) A licensee who has had not less than 3 years of experience as a licensed cosmetologist, electrologist, natural hair culturist, esthetician, or manicurist may submit an application to the department to train an apprentice.

(2) The application shall include the following information:

(a) A floor plan of the establishment.

(b) A list of equipment to be used in training the apprentice.

(c) A list of the books that will be used to teach theory.

(d) A corporate surety or cash bond in the amount of \$1,000.00. The surety bond shall be conditioned upon the faithful performance and satisfaction of the contractual rights of apprentices and is subject to department approval.

(e) A copy of the licensee's contract with the apprentice showing the curriculum to be taught and the minimum number of hours per month that the apprentice must attend. The contract shall include written agreements to do all of the following:

(i) Personally train the apprentice.

(ii) Give and correct examinations.

(iii) Render a grade in each subject of the curriculum.

(iv) Submit the apprentice's hours to the department monthly.

(3) An apprentice shall not practice on the public before meeting the requirements of §1205(5)(c) of the act. An apprentice practicing outside an approved apprenticeship establishment may be ineligible to take the state board examination.

(4) An apprentice shall be in training throughout the period of the program and shall have received an average of not less than 80 hours of instruction per month.

(5) An apprentice's registration permit shall be conspicuously displayed in the establishment.

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(6) The apprenticeship practitioner shall provide certification to the department or the department's designee that the apprentice has completed all requirements before applying for the state board examination.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2151a Rescinded.

History: 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2152 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2153 Apprenticeship program examinations and grades.

Rule 53. (1) A licensee that trains a cosmetology apprentice shall give the apprentice an examination every 6 months.

(2) A licensee that trains an electrology, manicuring, esthetician, or natural hair culturist apprentice shall give the apprentice an examination every 3 months.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2155

Source: 1997 AACS.

R 338.2156 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

PART 6. HEALTH AND SAFETY

R 338.2161 Cosmetology curriculum.

Rule 61. A school or apprenticeship practitioner shall provide instruction in cosmetology pursuant to the following table:

TABLE 1

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation/patron protection Laws and rules Personal hygiene Salon management Mechanical and electrical equipment safety	90	40	0	130	585 (Sanitation and patron protection shall be included in all services)
Facials Skin analysis and care Manipulation, massage, electricity	35	80	0	115	40 (a minimum of 5 services in each category)

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Removal of hair by the use of wax, tweezers, or depilatories Makeup and eyebrow arch					
Hairdressing Arranging, cutting, dressing, curling, pressing, artificial hair and finger waving, natural hair cultivation	125	400	0	525	300 (a minimum of 20 services in each category)
Scalp and hair treatments	10	15	0	25	30
Hair coloring Temporary Semipermanent Permanent Bleaching and dimensional coloring Color mixing	40	170	0	210	80 (a minimum of 8 services in each category)
Chemical hair restructuring Permanent waving Straightening and relaxing	40	180	0	220	80 (a minimum of 15 services in each category)
Applied chemistry/occupational safety and health administration as related to skin, hair, nails, and scalp	20	10	0	30	5
Applied anatomy, physiology, and histology of the human head, hands, nails, skin and hair	45	0	0	45	0
Manicuring/pedicuring	15	55	0	70	35
Artificial nails	5	15	0	20	5
Unassigned hours	0	0	110	110	0
Totals	425	965	110	1500	1160

R 338.2162 Manicuring curriculum.

Rule 62. A school or apprenticeship practitioner shall provide instruction in manicuring pursuant to the following table:

TABLE 2

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications

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Sanitation/patron protection Laws and rules Personal hygiene Salon management Mechanical and electrical equipment safety	50	50	0	100	100 (Sanitation and patron protection shall be included in all services)
Anatomy and disorders	25	0	0	25	0
Artistic principles	10	0	0	10	0
Manicuring/pedicuring techniques	20	50	0	70	40
Chemistry/occupational safety and health administration	15	0	0	15	0
Artificial nails/extensions/repairs	25	105	0	130	50
Unassigned hours	0	0	50	50	0
Totals	145	205	50	400	190

R 338.2163 Electrology curriculum.

Rule 63. An electrology school or apprenticeship practitioner shall provide instruction in electrology pursuant to the following table:

TABLE 3

Subject	Theory Hours	Practic al Hours	Unassigne d hours	Total Hour s	Minimum Practical Applications
Sanitation/patron protection Laws and rules Personal hygiene Salon management	40	10	0	50	160 (Sanitation and patron protection shall be included in all services)
Applied anatomy, physiology, and histology	25	0	0	25	0
Applied electrolysis Mechanical and electrical equipment safety Techniques	25	250	0	275	150
Unassigned hours	0	0	50	50	0
Totals	90	260	50	400	310

R 338.2163a Esthetics curriculum.

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Rule 63a. A school or apprenticeship practitioner shall provide instruction in skin care service pursuant to the following table:

TABLE 4

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation/patron protection Laws and rules Personal hygiene Salon management	25	25	0	50	90 (sanitation and patron protection shall be included in all services)
Mechanical and electrical equipment safety	25	25	0	50	15
Anatomy and disorders	40	0	0	40	0
Artistic principles/makeup	20	20	0	40	0
Facial/skin care techniques	20	125	0	145	50
Chemistry/occupational safety and health administration	15	0	0	15	0
Temporary removal of hair	5	5	0	10	5
Unassigned hours	0	0	50	50	0
Totals	150	200	50	400	160

R 338.2163b Natural hair cultivation curriculum.

Rule 63b. A school or apprenticeship practitioner may provide instruction in natural hair cultivation pursuant to the following table:

TABLE 5

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation/patron protection Laws and rules Personal hygiene Salon management Equipment safety	25	25	0	50	50 (sanitation and patron protection shall be included in all services)
Anatomy and disorders	25	0	0	25	0
Artistic principles	30	0	0	30	0
Braiding techniques/extensions	40	215	0	255	40

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Occupational safety and health administration	5	0	0	5	0
Unassigned hours	0	0	50	50	0
Totals	125	240	50	415	90

338.2163c. Cosmetology instructor curriculum.

Rule 66. In training a cosmetology instructor, a school shall give instruction pursuant to the following table:

TABLE 6

Subject	Theory Hours	Practical Hours	Total hours	Minimum practical applications
Orientation and review of the cosmetology curriculum	25	50	75	20
Introduction to teaching	30	0	30	0
Course outlining and development Lesson planning Teaching techniques Teaching aids Developing, administering, and grading examinations	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules Record keeping School administration	15	10	25	70
Teaching Assisting in the clinic and theory classrooms Practice teaching in the clinic and theory classrooms	0 0	75 130	75 130	15 25
Totals	150	350	500	150

R 338.2166 Electrology instructor curriculum.

Rule 66. In training an electrology instructor, a school shall give instruction pursuant to the following table:

TABLE 7

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications
Orientation and review of the curriculum	10	15	25	10

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Introduction to teaching	30	0	30	0
Course outlining and development Lesson planning Teaching techniques Teaching aids Developing, administering, and grading examinations	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules Record keeping School administration	15	10	25	40
Teaching Assisting in the clinic and theory classrooms Practice teaching in the clinic and theory classrooms	0	55	55	15
Totals	135	165	300	85

R 338.2167 Limited specialist manicuring instructor curriculum.

Rule 67. In training a limited specialist manicuring instructor, a school shall give instruction pursuant to the following table:

TABLE 8

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications
Orientation and review of the curriculum	10	15	25	10
Introduction to teaching	30	0	30	0
Course outlining and development Lesson planning Teaching techniques Teaching aids Developing, administering, and grading examinations	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules Record keeping School administration	15	10	25	40
Teaching Assisting in the clinic and theory classrooms Practice teaching in the clinic	0	55	55	15

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and theory classrooms				
Totals	135	165	300	85

R 338.2168 Limited specialist skin care instructor curriculum.

Rule 68. In training a limited specialist skin care instructor, a school shall give instruction pursuant to the following table:

TABLE 9

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Applications Practical
Orientation and review of the curriculum	10	15	25	10
Introduction to teaching	30	0	30	0
Course outlining and development Lesson planning Teaching techniques Teaching aids Developing, administering, and grading examinations	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules Record keeping School administration	15	10	25	40
Teaching Assisting in the clinic and theory classrooms Practice teaching in the clinic and theory classrooms	0	55	55	15
Totals	135	165	300	85

R 338.2169 Limited specialist natural hair culturist instructor curriculum.

Rule 69. In training a limited specialist natural hair culturist instructor, a school may give instruction pursuant to the following table:

TABLE 10

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Applications Practical
Orientation and review of the curriculum	10	15	25	10 (Sanitation and patron protection shall be included)

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				in all services)
Introduction to teaching	30	0	30	0
Course outlining and development Lesson planning Teaching techniques Teaching aids Developing, administering, and grading examinations	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules Record keeping School administration	15	10	25	40
Teaching Assisting in the clinic and theory classrooms Practice teaching in the clinic and theory classrooms	0	55	55	15
Totals	135	165	300	85

PART 7. INSTRUCTORS AND DEMONSTRATORS

R 338.2171 Establishment and school premises; compliance with codes, rules, and regulations required.

Rule 71. (1) An owner of an establishment or school shall ensure that the establishment or school have all of the following:

- (a) An adequate supply of running hot and cold water.
 - (b) Adequate electrical outlets and wiring to supply all electrical equipment used.
 - (c) Adequate lighting and ventilation in all rooms.
 - (d) Floors, walls, and ceilings, which shall be maintained in good condition.
 - (e) A source of drinking water in an area other than that used to mix chemicals.
 - (f) Covered waste containers that are large enough to contain 1 day's accumulation of waste materials.
- (2) An establishment or school shall comply with all of the following:

- (a) Local building codes.
- (b) Local and state health rules.
- (c) Local fire prevention and fire safety rules.
- (d) Applicable industrial, occupational, safety, and health regulations.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2172 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1954 ACS 73, Eff. Oct. 11, 1972; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2173 Practice areas; chairs and work stations; sinks, tubs, spas, showers, baths, and shampoo bowls.

Rule 73. (1) The licensee or owner of an establishment or school shall keep the establishment or school clean, safe, and sanitary at all times, disposing of temporary waste materials, including, but not limited to, hair clippings, paper, and tissues, after servicing a patron.

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(2) The licensee or owner of an establishment or school shall keep chairs and work station surfaces clean and sanitary at all times, covering the headrest of a patron chair and the working surface of any table or chair with fresh, clean paper, linen, or cloth before the chair or table is used.

(3) The licensee or owner of an establishment or school shall keep sinks, tubs, spas, showers, baths, and shampoo bowls clean and sanitary at all times and shall thoroughly cleanse and sanitize sinks, tubs, spas, showers, baths, and shampoo bowls immediately after each use.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2174 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2175 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2176 Equipment, tools, implements, and supplies; dryer hoods; removable parts of certain equipment; electrical equipment.

Rule 77. (1) The licensee or owner of an establishment or school shall keep all equipment, tools, implements, and supplies, including all of the following, clean and sanitary at all times, and if the equipment, tools, implements, or supplies are intended for use on more than 1 patron, then the licensee or owner shall sanitize the equipment, tools, implements, or supplies pursuant to rules promulgated by the department:

- (a) Combs.
- (b) Brushes.
- (c) Rollers.
- (d) Rods.
- (e) Clips.
- (f) Hair nets.
- (g) Razors.
- (h) Shears.
- (i) Hair pins.
- (j) Hair coverings.
- (k) Nippers.
- (l) Pushers.
- (m) Extractors.
- (n) Electrodes.

(2) The licensee or owner of an establishment or school shall ensure all of the following:

- (a) Dryer hoods are clean and sanitary.
- (b) Removable parts of equipment designed to touch the skin, hair, or nails shall be removed and sanitized according to rules promulgated by the department.
- (c) The main body of electrical equipment is clean and sanitary.
- (d) Electrical equipment and apparatus is used and maintained in accordance with the manufacturer's recommendations.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2178 Creams and other semisolid substances; fluids and powders; reactive chemical supplies.

Rule 78. (1) The licensee or owner of an establishment or school shall ensure all of the following:

- (a) Creams and other semisolid substances shall be removed from containers with clean sanitary spatulas and shall be covered when not in use.
- (b) Fluids and powders used on a patron are dispensed from a bottle or shaker-type dispenser.
- (c) Reactive chemical supplies are used in accordance with the manufacturer's recommendations.

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History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2179 Capes and hair cloths; towels and linens .

Rule 79. (1) The licensee shall place a clean towel, neck strip, or other protection around the patron's neck when using a cape or hair cloth on a patron, to prevent the cape or hair cloth from touching the skin.

(2) The licensee or owner of an establishment or school shall ensure all of the following:

(A) A towel or linen is laundered after being used on a patron.

(B) Clean towels and linens are stored in a closed cabinet or drawer.

(C) Soiled towels and linens are stored in a covered container until laundered.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2179a Sanitizing procedures generally.

Rule 79a. (1) The licensee or owner of an establishment or school shall sanitize equipment, tools, implements and supplies that will not be damaged by immersion in water using all of the following steps:

(a) Thoroughly washing in a detergent solution.

(b) Rinsing in clean water.

(c) Completely immersing in a wet sanitizer for the period of time recommended by the manufacturer of the disinfectant used.

(d) Rinsing in clean water and allowing to air dry.

(2) The licensee or owner of an establishment or school shall sanitize other equipment, tools, implements, and supplies by wiping with a disinfectant solution.

(3) The licensee or owner of an establishment or school shall sanitize sharp-edged tools, including the blades of electrical clippers, by wiping with a 70% alcohol solution after each use.

(4) The licensee or owner of an establishment or school shall ensure that, after sanitization, the equipment, tools, implements, and supplies are put in a dry sanitizer, closed cabinet or drawer, or covered container.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2179b Personal hygiene.

Rule 79b. (1) A licensee shall do all of the following:

(a) Keep attire clean and sanitary when services are being rendered.

(b) Wash his or her hands immediately before and after serving each patron.

(c) Apply antiseptic after washing his or her hands when manicuring or electrology services are to be performed.

(d) Request that a patron for manicure services wash his or her hands before beginning the service.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2179c Manicuring implements and work tables.

Rule 79c. (1) A licensee or owner shall ensure all of the following:

(a) Manicuring implements are kept in a jar-type wet sanitizer.

(b) Manicuring tables are clean and sanitary at all times and tables are wiped with a disinfectant solution before each use.

(c) Porous materials, that cannot be sanitized, including, but not limited to, abrasive boards/blocks/buffers, orangewood sticks, or pumice stones, are used on only 1 patron.

(d) Vaporous chemical waste materials are disposed of by placing the materials in an airtight, covered waste container.

(2) The owner of an establishment or school shall ensure that there is adequate ventilation or filtration to prevent the concentration of chemical vapors and strong odors.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2179d Electrology sanitation and sterilization procedures.

Rule 79d. (1) For electrology services, a licensee shall use only the following sterile equipment:

(a) Tweezers.

(b) Scissors.

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- (c) Needles.
 - (d) Needle holder tips.
 - (e) Probes.
 - (f) Removable needle caps.
 - (2) After using equipment on a patron, a licensee shall sanitize the equipment specified in subrule (1) of this rule utilizing all of the following steps:
 - (a) Soaking in liquid, protein-dissolving enzyme detergent for the period of time recommended by the manufacturer of the enzyme detergent used or thoroughly soaking in a soap and water solution for not less than 20 minutes.
 - (b) Rinsing in clean water and drying with sanitary paper towels.
 - (c) Placing in an ultrasonic cleaner for not less than 5 minutes or wiping with 70% alcohol.
 - (d) Rerinsing in clean water and drying with sanitary paper towels.
 - (3) After equipment is sanitized, a student, apprentice, or licensee shall sterilize the items specified in subrule (1) of this rule by placing the items in an autoclave or dry heat sterilizer for the period of time recommended by the manufacturer of the autoclave or dry heat sterilizer.
 - (4) After sterilizing all nonprepackaged equipment, a licensee shall wrap or package the tools, implements, and supplies.
 - (5) A licensee shall keep all sterilized equipment in a dry sanitizer, closed cabinet or drawer, or covered container.
 - (6) A licensee shall properly discard disposable needles after being used on a patron.
- History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2179e Blood spill procedures.

- Rule 79e. (1) A licensee or owner shall comply with all of the following provisions if a blood spill occurs:
- (a) Temporarily suspend the service being performed.
 - (b) Provide the bleeding person with adequate first aid supplies so that the bleeding person can stop the bleeding and cover the wound.
 - (c) Sterilize any equipment, tool, or implement that comes into contact with blood.
 - (d) Immediately discard porous materials, including abrasive boards/blocks/buffers, orangewood sticks, and pumice stones, if involved in a blood spill.
 - (e) Immediately clean floors and other durable surfaces soiled with blood with a sodium hypochlorite solution such as household bleach or other approved hospital grade disinfectant.
- (2) A licensee shall not perform services until all bleeding has ceased and the wound has been covered. A licensee shall keep an open sore, cut, burn, or other wound covered when services are being performed.
- History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2179f Open flame fusing.

- Rule 79g. If a cosmetologist or natural hair culturist fuses hair using an open flame, then the owner or practitioner of the establishment or school shall ensure that a minimum of 1 abc-type fire extinguisher is located not more than 20 feet from the work station.
- History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2179g Student, apprentice and licensee; prohibitions.

- Rule 79h. (1) A student, apprentice, or licensee shall not do any of the following:
- (a) Use methyl methacrylate monomers.
 - (b) Abrade, roughen, buff, or file the nail plate to the extent that the nail bed is exposed or that deeply filed trenches or ridges in the nail plate are created.
 - (c) Use a nail white pencil.
 - (d) Use lump alum or a styptic pencil to stop bleeding.
 - (e) Carry any equipment, tools, implements, or supplies in the pocket of a uniform.
 - (f) Use the same powder puffs, makeup brushes, or cosmetic pencils on more than 1 patron.
 - (g) Use an ultraviolet ray electrical sanitizer, unless the items placed in the sanitizer have been sanitized according to the rules promulgated by the department.

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(h) Use a blade in the practice of pedicuring.

(2) An aesthetician shall not use razors, scissors, or clippers on the face or head of a patron.

(3) A natural hair cultivation student, apprentice, or practitioner shall not use reactive chemicals or perform any service included in the practice of cosmetology as defined in section 1201 of the act.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2179h Advertising; use of false, confusing, or misleading statements prohibited.

Rule 79h. A licensee or owner shall not use false, confusing, or misleading statements in advertising.

History: 1999 MR 11, Eff. Nov. 17, 1999.

PART 8. STUDENTS

R 338.2181 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1954 ACS 73, Eff. Oct. 11, 1972; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2182 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2183 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2184 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2185 Rescinded.

History: 1954 ACS 64, Eff. Nov. 6, 1970; 1979 AC; 1979 ACS 8, Eff. Oct. 9, 1981; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

R 338.2186 Rescinded.

History: 1954 ACS 73, Eff. Oct. 11, 1972; 1979 AC; Rescinded 2000 MR 2, Eff. Feb. 18, 2000.

PART 9. HEARINGS

R 338.2191

Source: 1997 AACS.

R 338.2192

Source: 1997 AACS.

R 338.2193

Source: 1997 AACS.

R 338.2194

Source: 1997 AACS.

R 338.2195

Source: 1997 AACS.

CHIROPRACTIC

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R 338.2201—R 338.2245
Source: 1997 AACs.

MEDICINE

PART 1. GENERAL PROVISIONS

R 338.2301
Source: 1987 AACs.

R 338.2303
Source: 1985 AACs.

R 338.2304 Delegation of prescribing of controlled substances to physician's assistants; limitation.

Rule 4. (1) A physician who supervises a physician's assistant under sections 17048 and 17049 of the code may delegate the prescription of controlled substances listed in schedules 3 to 5 to a physician's assistant if the delegating physician establishes a written authorization that contains all of the following information:

- (a) The name, license number, and signature of the supervising physician.
 - (b) The name, license number, and signature of the physician's assistant.
 - (c) The limitations or exceptions to the delegation.
 - (d) The effective date of the delegation.
- (2) A delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. A delegating physician shall note the review date on the written authorization.
- (3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.
- (4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1)(a) to (d) of this rule.
- (5) A delegating physician may delegate the prescription of schedule 2 controlled substances only if all of the following conditions are met:
- (a) The supervising physician and physician's assistant are practicing within a health facility as defined in section 20106(d), (g), or (i) of the code; specifically, freestanding surgical outpatient facilities, hospitals, and hospices.
 - (b) The patient is located within the facility described in subdivision (a) of this subrule.
 - (c) The delegation is in compliance with this rule.
- (6) A delegating physician may not delegate the prescription of schedule 2 controlled substances issued for the discharge of a patient for a quantity for more than a 7-day period.
- (7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2305 Delegation of prescribing of controlled substances to nurse practitioners or nurse midwives; limitation.

Rule 5. (1) A physician may delegate the prescription of controlled substances listed in schedules 3 to 5 to a registered nurse who holds specialty certification under section 17210 of the code, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:

- (a) The name, license number, and signature of the delegating physician.
- (b) The name, license number, and signature of the nurse practitioner or nurse midwife.
- (c) The limitations or exceptions to the delegation.
- (d) The effective date of the delegation.

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(2) A delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. A delegating physician shall note the review date on the written authorization.

(3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.

(4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1) (a) to (d) of this rule.

(5) A delegating physician may delegate the prescription of schedule 2 controlled substances only if all of the following conditions are met:

(a) The delegating physician and nurse practitioner or nurse midwife are practicing within a health facility as defined in section 20106(d), (g), or

(i) of the code; specifically, freestanding surgical outpatient facilities, hospitals, and hospices.

(b) The patient is located within the facility described in subdivision (a) of this subrule.

(c) The delegation is in compliance with this rule.

(6) A delegating physician may not delegate the prescription of schedule 2 controlled substances issued for the discharge of a patient for a quantity for more than a 7-day period.

(7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.2308

Source: 1990 AACS.

PART 2. LICENSES

R 338.2311

Source: 1997 AACS.

R 338.2312

Source: 1997 AACS.

R 338.2313

Source: 1987 AACS.

R 338.2314

Source: 1994 AACS.

R 338.2315

Source: 1997 AACS.

R 338.2316

Source: 1994 AACS.

R 338.2317

Source: 1994 AACS.

R 338.2318

Source: 1994 AACS.

R 338.2319

Source: 1994 AACS.

R 338.2320

Source: 1997 AACS.

R 338.2322

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Source: 1997 AACs.

R 338.2323

Source: 1997 AACs.

R 338.2325

Source: 1997 AACs.

R 338.2326

Source: 1987 AACs.

R 338.2327

Source: 1997 AACs.

R 338.2327a

Source: 1991 AACs.

R 338.2328

Source: 1997 AACs.

R 338.2329

Source: 1997 AACs.

R 338.2329a

Source: 1989 AACs.

PART 3. ADMINISTRATIVE HEARINGS

R 338.2330

Source: 1997 AACs.

R 338.2331

Source: 1997 AACs.

R 338.2332—R 338.2355

Source: 1997 AACs.

PART 5. CONTINUING MEDICAL EDUCATION

R 338.2371

Source: 1991 AACs.

R 338.2374

Source: 1991 AACs.

R 338.2376

Source: 1991 AACs.

R 338.2379

Source: 1991 AACs.

R 338.2380

Source: 1991 AACs.

R 338.2381

Source: 1991 AACs.

R 338.2382

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Source: 1991 AACs.

LAND SURVEYORS

R 338.2401—R 338.2461

Source: 1997 AACs.

PSYCHOLOGY

R 338.2504

Source: 1992 AACs.

R 338.2506

Source: 1982 AACs.

R 338.2507

Source: 1982 AACs.

R 338.2507a

Source: 1982 AACs.

R 338.2510

Source: 1982 AACs.

R 338.2511

Source: 1982 AACs.

R 338.2512

Source: 1997 AACs.

R 338.2513

Source: 1982 AACs.

R 338.2514

Source: 1982 AACs.

REAL ESTATE SCHOOLS

R 338.2601—R 338.2619

Source: 1997 AACs.

REAL ESTATE BROKERS AND SALESMEN

R 338.2701, R 338.2703

Source: 1997 AACs.

R 338.2721—R 338.2786

Source: 1997 AACs.

NURSING HOME ADMINISTRATORS

R 338.2801—R 338.2819

Source: 1997 AACs.

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NURSING HOME ADMINISTRATORS—CONTINUING EDUCATION

R 338.2841—R 338.2849

Source: 1997 AACs.

SOCIAL WORKERS

R 338.2901

Source: 1992 AACs.

R 338.2902

Source: 1997 AACs.

R 338.2903

Source: 1997 AACs.

R 338.2904

Source: 1997 AACs.

R 338.2906

Source: 1992 AACs.

R 338.2906a

Source: 1992 AACs.

R 338.2907

Source: 1997 AACs.

R 338.2911

Source: 1997 AACs.

R 338.2912

Source: 1997 AACs.

R 338.2913

Source: 1997 AACs.

R 338.2914

Source: 1997 AACs.

R 338.2915

Source: 1997 AACs.

PHARMACY

R 338.3042

Source: 1997 AACs.

SOCIAL WORKERS—CONTINUING EDUCATION

R 338.3044

Source: 1982 AACs.

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CONTROLLED SUBSTANCES

PART 1. GENERAL PROVISIONS

R 338.3101

Source: 1992 AACS.

R 338.3102

Source: 1992 AACS.

R 338.3104

Source: 1992 AACS.

R 338.3108

Source: 1992 AACS.

PART 2. SCHEDULES

R 338.3111

Source: 1995 AACS.

R 338.3113

Source: 1994 AACS.

R 338.3113a

Source: 1988 AACS.

R 338.3114

Source: 1986 AACS.

R 338.3114a

Source: 1994 AACS.

R 338.3116

Source: 1994 AACS.

R 338.3117

Source: 1995 AACS.

R 338.3118

Source: 1992 AACS.

R 338.3119

Source: 1992 AACS.

R 338.3119a

Source: 1994 AACS.

R 338.3119b

Source: 1994 AACS.

R 338.3120

Source: 1992 AACS.

R 338.3122

Source: 1994 AACS.

R 338.3123

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Source: 1994 AACS.

R 338.3125

Source: 1994 AACS.

R 338.3127

Source: 1992 AACS.

R 338.3129

Source: 1992 AACS.

PART 3. LICENSES

R 338.3131

Source: 1997 AACS.

R 338.3132

Source: 1992 AACS.

R 338.3133

Source: 1992 AACS.

R 338.3134

Source: 1992 AACS.

R 338.3136

Source: 1992 AACS.

R 338.3137

Source: 1992 AACS.

R 338.3138

Source: 1982 AACS.

R 338.3139

Source: 1982 AACS.

PART 4. SECURITY

R 338.3141

Source: 1992 AACS.

R 338.3143

Source: 1992 AACS.

R 338.3145

Source: 1992 AACS.

PART 5. RECORDS

R 338.3151

Source: 1982 AACS.

R 338.3152

Source: 1992 AACS.

R 338.3153

Source: 1992 AACS.

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R 338.3153a
Source: 1992 AACS.

R 338.3154
Source: 1992 AACS.

PART 6. DISPENSING AND ADMINISTERING PRESCRIPTIONS

R 338.3161
Source: 1994 AACS.

R 338.3162
Source: 1993 AACS.

R 338.3162a
Source: 1993 AACS.

R 338.3165
Source: 1992 AACS.

R 338.3166
Source: 1994 AACS.

R 338.3167
Source: 1982 AACS.

PART 7. DISTRIBUTIONS

R 338.3181
Source: 1992 AACS.

R 338.3182
Source: 1992 AACS.

R 338.3183
Source: 1992 AACS.

R 338.3185
Source: 1992 AACS.

R 338.3186
Source: 1992 AACS.

PART 8. ADMINISTRATIVE AND DISCIPLINARY PROCEEDINGS

R 338.3191
Source: 1997 AACS.

R 338.3192—R 338.3194
Source: 1997 AACS.

R 338.3195—R 338.3197
Source: 1997 AACS.

R 338.3198
Source: 1997 AACS.

R 338.3198a

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Source: 1997 AACS.

R 338.3199—R 338.3199q

Source: 1997 AACS.

MOBILE HOME AND LAND RESOURCES DIVISION
LAND SALES

PART 1. GENERAL PROVISIONS

R 338.3201

Source: 1990 AACS.

R 338.3208

Source: 1990 AACS.

PART 3. REGISTRATION OF NONEXEMPT SUBDIVIDED LANDS

R 338.3239

Source: 1990 AACS.

PART 15. DECLARATORY RULINGS; INVESTIGATIONS; HEARINGS

R 338.3461

Source: 1990 AACS.

DIRECTOR'S OFFICE

PODIATRY

PART 1. GENERAL PROVISIONS

R 338.3601—R 338.3605

Source: 1997 AACS.

PART 2. CRITERIA FOR PODIATRIC INTERNSHIP PROGRAMS

R 338.3611—R 338.3617

Source: 1997 AACS.

PART 3. CRITERIA FOR PODIATRIC PRECEPTORSHIP PROGRAMS

R 338.3621—R 338.3626

Source: 1997 AACS.

ADMINISTRATIVE HEARINGS—VETERINARY MEDICINE

R 338.3821

Source: 1997 AACS.

R 338.3822—R 338.3846

Source: 1997 AACS.

SANITARIANS—REGISTRATION

R 338.3901

Source: 1991 AACS.

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R 338.3902
Source: 1991 AACS.

R 338.3903
Source: 1991 AACS.

R 338.3904
Source: 1997 AACS.

R 338.3905
Source: 1991 AACS.

R 338.3906
Source: 1991 AACS.

R 338.3907
Source: 1997 AACS.

R 338.3908
Source: 1982 AACS.

R 338.3909
Source: 1982 AACS.

ADMINISTRATIVE HEARINGS—SANITARIANS

R 338.3921
Source: 1997 AACS.

ADMINISTRATIVE AND DISCIPLINARY PROCEDURE
PHARMACY PRACTICE

R 338.3971—R 338.3974
Source: 1997 AACS.

R 338.3974a
Source: 1997 AACS.

R 338.3975
Source: 1980 AACS.

PRIVATE EMPLOYMENT BUREAU
GENERAL RULES

R 338.4001, R 338.4002
Source: 1997 AACS.

R 338.4003
Source: 1997 AACS.

R 338.4004—R 338.4006
Source: 1997 AACS.

R 338.4007, R 338.4008
Source: 1997 AACS.

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R 338.4009

Source: 1997 AACS.

R 338.4010, R 338.4011

Source: 1997 AACS.

R 338.4012—R 338.4027

Source: 1997 AACS.

DIRECTOR'S OFFICE

DENTISTRY

PART 1. GENERAL PROVISIONS

R 338.4101—R 338.4125

Source: 1997 AACS.

PART 2. PROFESSIONAL CONDUCT AND LICENSURE

R 338.4201—R 338.4275

Source: 1997 AACS.

PART 3. DENTAL HYGIENISTS AND ASSISTANTS

R 338.4301—R 338.4385

Source: 1997 AACS.

PART 4. GENERAL ANESTHESIA

R 338.4401—R 338.4425

Source: 1997 AACS.

PART 5. SPECIALTIES

R 338.4501—R 338.4555

Source: 1997 AACS.

PART 6. ADMINISTRATIVE HEARINGS

R 338.4601

Source: 1997 AACS.

R 338.4605—R 338.4698

Source: 1997 AACS.

VETERINARY MEDICINE

PART 1. GENERAL PROVISIONS

R 338.4901

Source: 1981 AACS.

R 338.4902

Source: 1990 AACS.

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R 338.4903
Source: 1990 AACS.

R 338.4904
Source: 1997 AACS.

R 338.4905
Source: 1997 AACS.

R 338.4906
Source: 1990 AACS.

R 338.4907
Source: 1997 AACS.

R 338.4908
Source: 1990 AACS.

R 338.4909
Source: 1997 AACS.

R 338.4910
Source: 1990 AACS.

R 338.4911
Source: 1990 AACS.

R 338.4912
Source: 1997 AACS.

R 338.4913
Source: 1981 AACS.

R 338.4914
Source: 1990 AACS.

R 338.4914a
Source: 1990 AACS.

R 338.4915
Source: 1990 AACS.

R 338.4916
Source: 1997 AACS.

R 338.4917
Source: 1997 AACS.

R 338.4918
Source: 1990 AACS.

R 338.4919
Source: 1981 AACS.

R 338.4920
Source: 1990 AACS.

VETERINARY TECHNICIAN LICENSURE

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R 338.4971

Source: 1981 AACS.

R 338.4972

Source: 1990 AACS.

R 338.4973

Source: 1990 AACS.

R 338.4974

Source: 1997 AACS.

R 338.4975

Source: 1997 AACS.

R 338.4976

Source: 1990 AACS.

R 338.4977

Source: 1997 AACS.

R 338.4978

Source: 1990 AACS.

R 338.4979

Source: 1997 AACS.

R 338.4980

Source: 1997 AACS.

R 338.4981

Source: 1997 AACS.

R 338.4982

Source: 1990 AACS.

R 338.4983

Source: 1997 AACS.

R 338.4984

Source: 1981 AACS.

ACCOUNTING

PART 1. GENERAL PROVISIONS

R 338.5101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Act" means Act No. 299 of the Public Acts of 1980, as amended, being §339.101 et seq. of the Michigan Compiled Laws, and known as the occupational code.
- (b) "Audit" or "examination" means an examination applying generally accepted auditing standards, including any procedure undertaken to verify or test the reasonableness of financial information presented in financial statements with a view of expressing an opinion or commenting on the fairness of the presentation.
- (c) "Board" means the Michigan state board of accountancy.
- (d) "Client" means the person or persons or entity that retains a licensee for the performance of professional services.

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- (e) "Continuing education period" means all or part of a year beginning July 1 and ending June 30.
- (f) "CPA" or "certified public accountant" means a person holding a certificate of certified public accountant granted by the department.
- (g) "Disclose" means to provide a written communication from a CPA or a CPA firm informing the client, prior to making a recommendation or referral, that the CPA or CPA firm will receive a commission, referral fee, or contingency fee from a third party for recommendations or referrals of products and/or services.
- (h) "Enterprise" means a person, persons, or entity for which a licensee performs professional services.
- (i) "Financial statements" means statements and related footnotes that show financial position, results of operations, and changes in cash flow on the basis of generally accepted accounting principles or another comprehensive basis of accounting. The term does not include incidental financial data included in management advisory services reports to support recommendations to a client and does not include tax returns and supporting schedules of tax returns.
- (j) "Generally accepted accounting principles" means accounting principles or standards generally accepted in the United States, including accounting principles, board opinions, accounting research bulletins, and statements on standards for accounting and review services published by the American institute of certified public accountants and statements of financial accounting standards published by the financial accounting standards board and its predecessors. Copies of accounting principles, board opinions, accounting research bulletins, and statements of financial accounting standards may be obtained from the Board of Accountancy, Department of Consumer and Industry Services, P.O. Box 30018 Lansing, MI 48909-7518, at a cost of \$85.00 as of the time of adoption of these rules, and from Harcourt Brace, 6277 Sea Harbor Drive, Orlando, FL 32887, at a cost of \$69.00 as of the time of adoption of these rules.
- (k) "Generally accepted auditing standards" means auditing standards published by the American institute of certified public accountants. Copies of the standards may be obtained from the Board of Accountancy, Department of Consumer and Industry Services, P.O. Box 30018 Lansing, MI 48909, at a cost of \$85.00 as of the time of adoption of these rules, and from Harcourt Brace, 6277 Sea Harbor Drive, Orlando, FL 32887 at a cost of \$69.00 as of the time of adoption of these rules.
- (l) "Professional engagement" means an agreement between a client and a licensee relative to the performance of professional services.
- (m) "Professional services" means any services performed or offered to be performed by a licensee for a client in the course of practice of public accounting.
- (n) "Qualifying hours" means continuing education hours that comply with part 2 of these rules.
- (o) "State" means the 50 states of the United States of America, Washington, D.C., Puerto Rico, Guam, and the Virgin Islands.
- (2) Terms defined in the act have the same meanings when used in these rules.
- History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5103 Performance of compilation and review services.

Rule 103. Pursuant to the definition of the practice of public accounting in section 702 of the act, in the performance of compilation and review services, a licensee shall adhere to the standards set forth in the publication of the American institute of certified public accountants entitled "Statements on Standards for Accounting and Review Services Nos. 1 through 7." The standards are adopted by reference in these rules. Copies of the adopted standards may be purchased from the Board of Accountancy, Department of Consumer and Industry Services, P.O. Box 30018, Lansing, MI 48909-7518, at a cost of \$30.00 as of the time of adoption of these rules, or from the American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza Three, Jersey City, NJ 07311, at a cost of \$19.00 as of the time of adoption of these rules.

History: 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5105 Board meetings.

Rule 105. The board shall conduct board meetings in accordance with Act No. 267 of the Public Acts of 1976, as amended, being §15.261 et seq. Of the Michigan Compiled Laws, and known as the open meetings act. All board meetings are open to the public.

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History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5110 Examination generally.

Rule 110. (1) A candidate shall take all parts of the examination for which the candidate has not been granted credit or where the candidate has lost credit under R 338.5111(4).

(2) The department or its designee may permit a candidate to sit for the examination in another state if the candidate complies with all administrative rules.

(3) The department may excuse a candidate from an examination due to the sickness of the candidate or a member of the candidate's immediate family if substantiated by a doctor's certificate. A candidate may also be excused if the candidate provides the department with proof of a death in the candidate's immediate family, temporary military service, or another good reason. A candidate shall make a request to be excused within 90 days of the date of the examination. If excused, an applicant's examination shall not count as a failure to write the examination.

(4) The department shall grant a candidate credit for examination grades of 75 or higher earned in another state if the candidate meets the educational requirements to sit for the examination and if the board determines the examination was equivalent to the examination given by the department.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5111 Examination scores.

Rule 111. (1) The minimum passing grade for each subject is 75.

(2) The department shall consider as conditioned a candidate who in 1 sitting receives a passing grade in 2 subjects and who receives a grade of not less than 50 in each of the remaining subjects and shall grant credit for subjects passed. A reexamination candidate who is conditioned may add to the conditioned status by receiving a passing grade in another subject and receiving a grade of not less than 50 in all subjects not passed.

(3) The department shall grant credit for the subjects passed to a candidate who receives a passing grade in any 3 subjects in 1 sitting.

(4) A candidate shall lose credit for subjects passed under subrules (2) and (3) of this rule if the candidate does not receive a passing grade in the remaining subject or subjects at 1 or more of the next 6 consecutive examinations unless excused under R 338.5110(3).

(5) The department shall notify each candidate, in writing only, of his or her grades within a reasonable time, but not later than 120 days after completion of the examination.

(6) The department shall issue a certificate of examination to an applicant who receives credit in all examination subjects.

(7) A candidate shall appeal the grading of any paper to the department, in writing, within 30 days after grades are mailed.

History: 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5112 Failure to write examination during specified period; reapplication required.

Rule 112. A candidate who fails to write an examination for a period of 6 successive examinations shall apply as a new applicant, unless excused under R 338.5110(3).

History: 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5114 Credit hour requirements for concentration in accounting.

Rule 114. (1) The department shall consider a person as having met the concentration in accounting requirements of section 725(1)(e) of 1980 PA 299, MCL 339.725, if the person provides proof of having completed 150 semester hours of academic credit at an accredited college or university, including either of the following:

(a) A graduate degree in accounting or a master of business administration degree that includes not fewer than 12 semester hours of graduate level accounting courses.

(b) An academic program consisting of both of the following:

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(i) Thirty semester hours of accounting subjects, including not more than 6 semester hours of taxation. Additional semester hours in accounting subjects may be applied toward the general business subject requirements of subdivision (b) (ii) of this subrule.

(ii) Thirty-nine semester hours, including a minimum of 3 semester hours each in business communications and computer technology and a minimum of 3 semester hours, but not more than 12 semester hours, in not fewer than 5 of the following areas:

(A) Business law.

(B) Economics.

(C) Ethics.

(D) Finance.

(E) Management.

(F) Marketing.

(G) Taxation.

(H) Statistics.

(I) Business policy.

(2) Credit may be earned only once for an accounting or general business topic. If the department determines that 2 courses are duplicative, then only the semester hours of 1 course shall be counted toward the semester hour requirement.

R 338.5115 Certificate of certified public accountant; qualifying experience requirement.

Rule 115. (1) As provided in section 725(6) of the act, the department shall regard a person as having completed not less than 2 years as an instructor of accounting in subjects above the elementary level if the applicant has completed not less than 4 academic semesters of an academic appointment in accounting at an institution recognized by the department. An instructor who has an academic appointment in accounting shall teach, as the principal instructor, not less than 6 credit hours per semester of accounting subjects above the elementary level.

(2) As provided in section 725(5) and (6) of the act, the department shall regard a person as having completed a curriculum in public accounting upon completion of an academic program consisting of not less than 150 semester hours as follows:

Semester Hours

Accounting subjects:

Shall include study in each of the following:

financial accounting; managerial accounting, including cost accounting; auditing; United States federal taxation; accounting systems and controls; and governmental/fund accounting 39.

General business subjects:

Shall include study in each of the following:

economics, finance, business law, and statistics..... 36.

Unspecified subjects 75.

TOTAL 150.

(3) As provided in section 725(5) and (6) of the act, the equivalent of a graduate degree in accounting includes a master's of business administration degree with a concentration in accounting consisting of 12 semester hours of graduate level accounting courses.

(4) An applicant applying for a CPA certificate on the basis of an advanced degree and 1 year of qualifying experience shall have obtained not less than 2,000 hours of qualifying experience within a period of not less than 1 calendar year nor more than 5 calendar years. An applicant applying for a CPA certificate on the basis of 2 years of qualifying experience shall have obtained not less than 4,000 hours of qualifying

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experience within a period of not less than 2 calendar years nor more than 5 calendar years.

(5) The department shall grant full credit for qualifying experience earned during a college or university internship.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1979 ACS 11, Eff. July 1, 1982; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5120 Person administratively responsible for firm required to be licensed.

Rule 120. A person who is administratively responsible for a public accounting firm practicing in Michigan shall be a licensed Michigan certified public accountant.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5125

Source: 1997 AACs.

R 338.5130 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; rescinded, 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5135

Source: 1997 AACs.

R 338.5140 Permit for temporary practice.

Rule 140. (1) An accountant shall obtain a permit and pay the appropriate fee for each engagement in this state by an accountant, or on behalf of his or her firm, who does not hold a license to practice public accountancy in this state. The applicant shall hold a license as a certified public accountant of another state, or hold a title from a foreign country, recognized by the board as comparable to the Michigan certificate of certified public accountant and shall be practicing public accountancy under the certificate or license in the grantor state or country.

(2) If approved by the department, the term of the permit shall begin on the date approved unless otherwise specified and shall be for a specified period, but shall not be for more than 1 year.

(3) The temporary practice shall be performed by, or under the direct supervision of, a licensed certified public accountant or the holder of a title from a foreign country who is recognized under subrule (1) of this rule.

(4) A temporary permit is not required if the work relates to a Michigan-based division or subsidiary of a firm, if the parent firm is located in another state or foreign country and is a client of the certified public accountant or foreign accountant, and if a separate rendering of financial statements or accounting reports or attesting to the reliability of a representation or estimate is not made for the division or subsidiary.

(5) If another state or foreign country charges a fee for providing an affidavit or certificate of professional standing for determining whether the applicant is qualified to practice public accountancy temporarily in this state, then the applicant shall pay the fee.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5145 Adoption of accreditation standards by reference; board recognition of educational institutions; requirements for concentration in accounting.

Rule 145. (1) For the purpose of identifying the educational institutions that meet the educational standards required by the board to satisfy section 725 of the act, both of the following provisions apply:

(a) The board adopts the criteria for accreditation of the north central association of colleges and schools, commission on institutions of higher education, included in the publication entitled "Handbook of Accreditation, Second Edition." Accreditation by the north central association of colleges and schools or an affiliated association is prima facie proof of having met the criteria. Copies of the criteria are available for inspection and purchase at the Board of Accountancy, Department of Consumer and Industry Services, P.O. Box 30018, Lansing, MI 48909-7518, at a cost of \$25.00 as of the time of adoption of these rules, or may be

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purchased from the North Central Association of Colleges and Schools, Commission on Institutions of Higher Education, 30 N. La Salle Street, Suite 2400, Chicago IL 60602-2504, at a cost of \$18.00 as of the time of adoption of these rules.

(b) The department may recognize an educational institution which demonstrates that the curricula required for its degrees are the equivalent of the curricula required for degrees granted by institutions accredited under subdivision (a) of this subrule.

(2) A concentration in accounting shall include the following accounting and general business subjects, for which credit is transferable to any baccalaureate degree-granting institution recognized by the department:

Semester hours

Auditing.....	3.
Accounting principles.....	21.
General business subjects.....	24.

The accounting principles shall include study in each of the following areas:

- (a) Financial accounting and accounting theory.
- (b) Managerial accounting, including cost accounting.
- (c) Accounting systems and controls
- (d) United States federal taxation.
- (e) Governmental/fund accounting.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1979 ACS 11, Eff. July 1, 1982; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5147 Rescinded.

History: 1996 MR1, Eff. Jan. 19, 1996; rescinded 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5150 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1996 MR 1, Eff. Jan. 19, 1996; rescinded 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5155 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; rescinded 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5160

Source: 1997 AACS.

R 338.5165

Source: 1997 AACS.

R 338.5170

Source: 1997 AACS.

PART 2. CONTINUING EDUCATION

R 338.5201

Source: 1997 AACS.

R 338.5205

Source: 1997 AACS.

R 338.5210 Continuing education requirements; reporting; qualifying hours.

Rule 210. (1) A licensee shall earn qualifying hours annually within the continuing education period and

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shall report the hours biennially on a form prescribed by the department.

(2) A licensee shall earn not fewer than 8 of the minimum qualifying hours annually in auditing and accounting, and not fewer than 2 of the minimum qualifying hours annually in ethics.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999; 2000 MR 10, Eff. Jul. 28, 2000.

R 338.5211 Renewal of license with insufficient qualifying hours permitted under certain circumstances; waiver of requirement for additional hours.

Rule 211. (1) A licensee who does not earn sufficient qualifying hours during the continuing education period may be allowed to renew a license upon reporting 80 qualifying hours and an additional 4 hours of continuing education credit for each month of time needed to remove the deficiency. The additional 4 hours of continuing education credit for each month of time needed to remove the deficiency shall not apply toward the qualifying hours of continuing education credit required in a continuing education period for the renewal of a license.

(2) The department may waive the requirement for additional hours upon a showing by the licensee that the additional hours would present an undue hardship on the licensee.

History: 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5215 Measurement of continuing education hours; "continuous instruction" defined.

Rule 215. (1) The board shall give continuing education credit for whole hours only. A minimum of 50 minutes of continuous instruction constitutes 1 qualifying hour. The board shall not allow credit for continuing education hours for time expended for outside study, except as provided under R 338.5218.

(2) For the purpose of this rule, "continuous instruction" means education time exclusive of breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the program.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5216 Group programs.

Rule 216. (1) A licensure applicant or licensee shall receive continuing education credit for attendance at a group program that is in compliance with all of the following requirements:

(a) The subject matter of the program is listed in R 338.5255.

(b) The taking of attendance is required.

(c) The program is not less than 50 minutes in duration.

(d) The program is conducted by an instructor or discussion leader whose background, training, education, or experience makes it appropriate for him or her to lead a discussion on the subject matter.

(e) The sponsor of the program maintains written records of individual attendance at each session and the program outline for a period of 4 years.

(f) Written certification of hours of attendance, exclusive of any study or preparation time, and a program outline are issued by the sponsor to each attendee at the request of the attendee.

(g) A licensee shall not receive credit for repeating a group program that has substantially the same content during a continuing education period.

(2) The department shall measure the hours spent attending continuing education group programs as follows:

(a) Each 50 minutes of attendance in a group program, other than an educational institution, equals 1 continuing education hour.

(b) An academic semester credit hour earned from an educational institution equals 15 continuing education hours for the continuing education period in which completed.

(c) Each classroom hour in noncredit study at an educational institution equals 1 continuing education hour.

History: 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5217 Instruction.

Rule 217. Each hour of classroom work as a teacher, instructor, speaker, or lecturer at an educational institution, or each hour spent conducting a group program under R 338.5216 as a teacher, instructor,

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lecturer, speaker, or seminar discussion leader, equals 3 continuing education hours for the initial session of the course or program taught. The department shall not give additional credit for subsequent repetitious sessions during the same continuing education period. The credit shall not exceed 50% of the minimum qualifying hours in any continuing education period.

History: 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5218

Source: 1996 AACS.

R 338.5220

Source: 1997 AACS.

R 338.5221 Rescinded.

History: 1986 MR 12, Eff. Jan. 1, 1987; rescinded 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5225

Source: 1997 AACS.

R 338.5230 Entry or reentry into practice of public accounting; continuing requirements.

Rule 230. (1) The department shall issue a license to a licensure applicant applying for reciprocity or reentering the practice of public accounting upon receiving proof from the applicant that he or she has completed 40 hours of continuing education credit. Eight of the 40 hours shall be in auditing or accounting, or both, within the 12 months immediately preceding the date of application.

(2) The department shall prorate, from the date of licensure, the qualifying hours required for the continuing education period in which the license is granted.

(3) The department shall deem a person granted an original certificate of certified public accountant to have complied with all continuing education requirements through the continuing education period ending June 30 of the year in which the certificate was granted.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5235

Source: 1997 AACS.

R 338.5240 Carryover of continuing education hours.

Rule 240. (1) Except as provided in subrule (2) of this rule, any hours in excess of the required 40 hours for each continuing education period may be carried over to the following continuing education period up to a maximum of 40 hours.

(2) A licensee applicant or licensee may not apply more than 8 hours of accounting carryover or auditing carryover, or both, to meet the minimum accounting requirements or auditing requirements, or both, of the following continuing education period. History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5245

Source: 1997 AACS.

R 338.5250

Source: 1997 AACS.

R 338.5255 Qualifying continuing education subjects.

Rule 255. Subjects qualifying for continuing education include each of the following:

- (a) Accounting.
- (b) Auditing.
- (c) Management advisory services.

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- (d) Information technology.
 - (e) Mathematics, statistics, probability, and quantitative application to business.
 - (f) Economics.
 - (g) Finance.
 - (h) Business law.
 - (i) Business management.
 - (j) Professional ethics for certified public accountants.
 - (k) Taxation.
 - (l) Financial advisory services.
 - (m) Business valuations.
 - (n) Any other subjects which contribute to the professional competency of a licensee and for which the responsibility for compliance rests solely with the licensure applicant or licensee.
- History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5260

Source: 1986 AACS.

R 338.5265

Source: 1997 AACS.

R 338.5270

Source: 1986 AACS.

R 338.5275 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; rescinded 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5280

Source: 1997 AACS.

R 338.5285

Source: 1997 AACS.

PART 3. HEARINGS AND COMPLIANCE CONFERENCES

R 338.5301

Source: 1997 AACS.

R 338.5303

Source: 1997 AACS.

R 338.5304

Source: 1997 AACS.

R 338.5305 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; rescinded 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5309

Source: 1997 AACS.

R 338.5311

Source: 1997 AACS.

R 338.5313

Source: 1997 AACS.

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R 338.5315

Source: 1997 AACS.

R 338.5317

Source: 1997 AACS.

R 338.5319

Source: 1997 AACS.

R 338.5321

Source: 1997 AACS.

R 338.5323

Source: 1997 AACS.

R 338.5325

Source: 1997 AACS.

R 338.5327

Source: 1997 AACS.

R 338.5329

Source: 1997 AACS.

R 338.5331

Source: 1997 AACS.

R 338.5333

Source: 1997 AACS.

R 338.5335

Source: 1997 AACS.

R 338.5337

Source: 1997 AACS.

R 338.5339

Source: 1997 AACS.

R 338.5341

Source: 1997 AACS.

R 338.5343

Source: 1997 AACS.

R 338.5345 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; rescinded 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5347

Source: 1997 AACS.

R 338.5349

Source: 1997 AACS.

R 338.5351

Source: 1997 AACS.

PART 4. PROFESSIONAL CONDUCT

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R 338.5401 Licensee responsibility for conduct of persons under licensee's supervision.

Rule 401. (1) The department may hold a licensee responsible for compliance with the rules of professional conduct by all persons under the licensee's supervision. If the licensee is a firm, then the department shall hold the firm responsible for compliance with the rules of professional conduct by all of its employees.

(2) A licensee, including a firm, shall not permit others to carry out on its behalf acts which, if carried out by the licensee, would constitute a violation of the rules of professional conduct.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5405 Independence rule; adoption by reference.

Rule 405. A licensee, including a firm, may express an opinion on financial statements of an enterprise only if the licensee is independent from the enterprise. For the purpose of defining the impairment of independence, the board adopts the American institute of certified public accountants' rule on independence contained in the publication entitled "Code of Professional Conduct," dated May 1997. Copies of the code are available for inspection at the board of accountancy office at 2501 Woodlake Circle, Okemos, MI 48864, and may be purchased from the American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza Three Jersey City, NJ 07311, at a cost of \$5.50 as of the time of adoption of these rules, or from the Board of Accountancy, Department of Consumer and Industry Services, P.O. Box 30018, Lansing, MI 48909-7518, at a cost of \$10.00 as of the time of adoption of these rules.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5410

Source: 1997 AACS.

R 338.5415

Source: 1997 AACS.

R 338.5420

Source: 1997 AACS.

R 338.5425

Source: 1997 AACS.

R 338.5430 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5435 Licensee competence required to undertake professional engagement.

Rule 435. A licensee, including a firm, shall not undertake a professional engagement that the licensee cannot competently complete.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5440 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5445 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; rescinded 1999 MR 8, Eff. Aug. 19, 1999.

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R 338.5446 Compliance with other professional standards.

Rule 446. A licensee in the practice of public accounting shall comply with the professional standards applicable to the practice of public accounting.

History: 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5450 Rescinded.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; rescinded 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5460 Contingent fees.

Rule 460. (1) As provided in section 730 of the act, a contingent fee is a fee paid by a client to a licensed CPA or licensed CPA firm.

(2) A licensee who is paid or expects to be paid a contingent fee by a client shall disclose that fact to the client.

(3) As used in section 730(4) of the act, the term "tax matters" relates to the preparation of an original or amended tax return or claim for tax refund and includes giving advice on events that occurred before the time the advice is given if the advice is directly relevant to determining the existence, character, or amount of a schedule, entry, or other portion of a return of claim for refund.

(4) As provided in section 730(4) of the act, a fee is considered determined, based on the findings of a governmental agency, if the CPA or CPA firm can demonstrate a reasonable expectation at the time of a fee arrangement of substantive consideration by the agency with respect to the CPA's or the CPA firm's client. An expectation of substantive consideration is deemed not reasonable for preparation of original tax returns.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5465 Acts constituting discreditable conduct.

Rule 465. Any of the following acts by a licensee, registrant, or a firm constitutes conduct that is discreditable to the accounting profession:

(a) Using deceptive representations in connection with services performed.

(b) Representing that services are of a particular standard when they are not.

(c) Disparaging the accounting services or business of another licensee by false representations of fact.

(d) Failing to perform, on a timely basis, services in accordance with the conditions, terms, or prerequisites of a public communication or any quotation.

(e) Misrepresenting facts or failing to disclose relevant facts.

(f) Creating false or unjustified expectations of favorable results.

(g) Implying abilities not supported by valid educational or professional attainments or licensing recognition.

(h) Implying the ability to influence improperly any court, tribunal, or other public body or official.

(i) Making any other representation or implication that is false, deceptive, or misleading.

(j) Employing or engaging a person to perform a discreditable act.

(k) Engaging in a trade practice prohibited by law.

(l) Retaining documents constituting the original books and records of a client after a demand has been made for their return.

(m) Failing to respond, within a reasonable time, to inquiries of the board or its authorized representatives relative to the administration of the act.

(n) Providing false or misleading information on the qualifying experience of an applicant for certified public accountant.

(o) Stating or implying that the licensee has received formal recognition as a specialist in any aspect of the practice of public accountancy if the licensee has not received the recognition.

(p) Representing that professional services can or will be competently performed for a stated fee when this is not the case, or making representations with respect to fees for professional services that do not disclose all variables which may reasonably be expected to affect the fees that will in fact be charged.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1996 MR 1, Eff. Jan. 19, 1996; 1999 MR 8, Eff. Aug. 19, 1999.

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R 338.5470

Source: 1997 AACS.

R 338.5475 Payment or acceptance of commissions; "commission" defined.

Rule 475. (1) As used in section 731 of the act, "commission" means any remuneration paid to a CPA or CPA firm by a third party in connection with a recommendation or referral of a person to the third party.

(2) As provided in section 731(3) of the act, a referral fee is not a commission when received or paid by a licensed CPA or licensed CPA firm for recommending or referring a client to another licensed CPA or CPA firm for a service involving the practice of public accounting.

(3) A licensee who is paid or expects to be paid a commission or a referral fee shall disclose that fact to the client.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

R 338.5480 Engaging in business or occupation that impairs objectivity or independence prohibited.

Rule 480. A licensee, including a firm, engaged in the practice of public accounting shall not concurrently engage in any business or occupation that impairs objectivity or independence in rendering professional services.

History: 1954 ACS 101, Eff. Oct. 31, 1979; 1979 AC; 1986 MR 12, Eff. Jan. 1, 1987; 1999 MR 8, Eff. Aug. 19, 1999.

PHYSICIAN'S ASSISTANTS

PART 1. GENERAL PROVISIONS

R 338.6101

Source: 1990 AACS.

R 338.6102

Source: 1997 AACS.

PART 2. PHYSICIAN'S ASSISTANT PROGRAM APPROVAL

R 338.6201

Source: 1990 AACS.

R 338.6202

Source: 1997 AACS.

R 338.6203

Source: 1997 AACS.

R 338.6204

Source: 1997 AACS.

R 338.6205

Source: 1997 AACS.

R 338.6206

Source: 1997 AACS.

R 338.6207

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Source: 1997 AACS.

R 338.6208

Source: 1997 AACS.

R 338.6209

Source: 1997 AACS.

R 338.6210

Source: 1997 AACS.

R 338.6211

Source: 1997 AACS.

PART 3. PHYSICIAN'S ASSISTANT LICENSE

R 338.6301

Source: 1990 AACS.

R 338.6302

Source: 1997 AACS.

R 338.6303

Source: 1997 AACS.

R 338.6304

Source: 1997 AACS.

R 338.6305

Source: 1990 AACS.

R 338.6306

Source: 1997 AACS.

R 338.6307

Source: 1997 AACS.

R 338.6308

Source: 1990 AACS.

PART 4. ADMINISTRATIVE HEARINGS

R 338.6401

Source: 1997 AACS.

PHYSICAL THERAPY

R 338.7101

Source: 1991 AACS.

R 338.7102

Source: 1983 AACS.

R 338.7103

Source: 1983 AACS.

R 338.7104 Program accreditation standards; adoption of standards by reference.

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Rule 4. (1) The board approves and adopts by reference in these rules the standards and evaluative criteria for accreditation of physical therapy educational programs set forth by the commission on accreditation in physical therapy education effective January 1, 1998. The standards and criteria are available from the Michigan Board of Physical Therapy, P.O. Box 30670, Lansing, Michigan 48909, or from the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, Virginia 22314, at no charge. (2) The board shall consider any educational program for the physical therapist that is accredited by the American physical therapy association as a physical therapist educational program approved by the board.

History: 1979 ACS 14, Eff. May 12, 1983; 1991 MR 3, Eff. Apr. 16, 1991; 1999 MR 9, Eff. Sep. 27, 1999.

R 338.7105

Source: 1991 AACS.

R 338.7106

Source: 1997 AACS.

R 338.7107

Source: 1995 AACS.

R 338.7107a Rescinded.

History: 1995 MR 10, Eff. Nov. 4, 1995; rescinded 1999 MR 9, Eff. Sep. 27, 1999.

R 338.7108

Source: 1991 AACS.

R 338.7109

Source: 1983 AACS.

R 338.7110

Source: 1995 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

MARRIAGE AND FAMILY THERAPY

R 338.7201 Definitions.

Rule 1. (1) As used in these rules:

(a) "Board" means the board of marriage and family therapy. (b) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

(c) "Department" means the department of consumer and industry services.

(2) As used in section 16903(3)(d) of the code, "organized health care setting or other arrangement" means any of the following:

(a) A health facility or agency as defined in section 20106(1) of the code.

(b) A mental hospital or psychiatric hospital as defined in R 330.1201(f).

(c) A training institute.

(d) A court family counseling service.

(e) A church counseling program.

(f) A marriage and family therapy practice.

(g) A governmental agency.

(h) A private practice of a fully licensed mental health practitioner or certified social worker.

(3) The terms defined in the code have the same meanings when used in these rules.

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History: 1999 MR 2, Eff. Feb. 22, 1999.

R 338.7203 Limited license.

Rule 3. (1) An applicant applying for an educational limited license under section 16903(3) of the code shall submit a completed application on a form provided by the department, together with the requisite fee. (2) In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant applying for an educational limited license shall document both of the following:

- (a) Graduation, under section 16909(a)(i) or (ii) of the code, from a training program accredited under R 338.7211(1) or from a college or university accredited under R 338.7211(2).
- (b) Completion of supervised clinical marriage and family therapy experience under section 16909(b) of the code in conjunction with the applicant's graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(3).

History: 1999 MR 2, Eff. Feb. 22, 1999.

R 338.7205 Licensure requirements.

Rule 5. (1) For an application filed on or before December 31, 1999, an applicant for licensure as a marriage and family therapist shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant for licensure shall meet all of the following requirements:

- (a) Document graduation, under section 16909(a)(i) or (ii) of the code, from a training program accredited under R 338.7211(1) or from a college or university accredited under R 338.7211(2).
- (b) Document completion, under section 16909(b) of the code, of supervised clinical marriage and family therapy experience in conjunction with the applicant's graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(3).
- (c) Document, under section 16909(c) of the code, not less than 1,000 direct client contact hours in a supervised marriage and family therapy experience.

(2) For an application filed on or after January 1, 2000, in addition to meeting the requirements of subrule (1) of this rule, an applicant shall have passed the national examination in marital and family therapy with a converted score of not less than 75.

History: 1999 MR 2, Eff. Feb. 22, 1999.

R 338.7207 Examinations; eligibility; reexaminations.

Rule 7. (1) To assure eligibility for the examination, an applicant shall submit a completed application on forms provided by the department, together with the requisite fee, on or before the examination filing dates published by the department. (2) To be eligible to sit for the examination in marital and family therapy, an applicant shall comply with R 338.7205(1)(a), (b), and (c).

History: 1999 MR 2, Eff. Feb. 22, 1999.

R 338.7209 Examination adoption.

Rule 9. The board approves and adopts the national examination in marital and family therapy that is conducted and scored by the association of marriage and family therapy regulatory boards. The passing score for the national marital and family therapy examination is a converted score of not less than 75.

History: 1999 MR 2, Eff. Feb. 22, 1999.

R 338.7211 Adoption of standards by reference.

Rule 11. (1) The board adopts by reference the standards of the commission on accreditation for marriage and family therapy education for master or doctoral accredited training programs. The standards are set forth in the publication entitled "Manual on Accreditation for Marriage and Family Therapy Education," 1997 edition, which is available from the Commission on Accreditation for Marriage and Family Therapy Education, 1100 17th Street, NW, Tenth Floor, Washington, DC 20036, at a cost as of the time of adoption of these rules of \$40.00. The standards are also available for inspection at the Board of Marriage and Family Therapy, Department of Consumer and Industry Services, 611 West Ottawa Street, Lansing, MI 48933.

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(2) The board adopts by reference the following standards for accrediting postsecondary institutions, which may be obtained from the regional accrediting body of the council on higher education accreditation (chea) at the identified cost:

(a) The standards of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled "Characteristics of Excellence in Higher Education, Standards for Accreditation," 1994 edition, at a cost as of the time of adoption of these rules of \$5.00.

(b) The standards of the North Central Association of Colleges and Schools, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, set forth in the document entitled, "A Handbook of Accreditation," 1994-96 edition, at a cost as of the time of adoption of these rules of \$15.00.

(c) The standards of the New England Association of Schools and Colleges, Commission on Institutions of Higher Learning, 209 Burlington Road, Bedford, MA 01730, set forth in the document entitled "Accreditation Handbook," 1992 edition, at no cost as of the time of adoption of these rules.

(d) The standards of the Northwest Association of Schools and Colleges, 3700-B University Way, NE, Seattle, WA 98105, set forth in the document entitled "Accreditation Handbook," 1996 edition, at a cost as of the time of adoption of these rules of \$10.00.

(e) The standards of the Southern Association of Colleges and Schools, 1866 Southern Lane, Decatur, GA 30033, set forth in the document entitled "Criteria for Accreditation," 1996 edition, at a cost as of the time of adoption of these rules of \$10.00.

(f) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities, P. O. Box 9990, Mills College, Oakland, CA 94613, as set forth in the document entitled "Handbook of Accreditation," 1997 edition, at a cost as of the time of adoption of these rules of \$15.00. Copies of the standards are also available for inspection at the office of the Board of Marriage and Family Therapy, Department of Consumer and Industry Services, 611 West Ottawa, Lansing, MI 48933. An institution that is accredited by the council on higher education accreditation regional accrediting body of the region in which the institution is located is considered approved by the board.

(3) The board adopts by reference, for postgraduate training institutes, the standards of the commission on accreditation for marriage and family therapy education. The standards are set forth in the publication entitled "Manual on Accreditation for Marriage and Family Therapy Education," 1994 edition, and available from the Commission on Accreditation for Marriage and Family Therapy Education, 1100 17th Street, NW, Tenth Floor, Washington, DC 20036, at a cost as of the time of adoption of these rules of \$40.00. The standards are also available for inspection at the Board of Marriage and Family Therapy, Department of Consumer and Industry Services, 611 West Ottawa Street, Lansing, MI 48933.

History: 1999 MR 2, Eff. Feb. 22, 1999.

R 338.7213 Licensure by endorsement.

Rule 13. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. An applicant for licensure by endorsement who satisfies all of the requirements of this rule shall be deemed to meet the requirements of section 16186(1)(a) and (b) of the code.

(2) If an applicant was licensed in another state before December 31, 1999, and has been engaged in the practice of marriage and family therapy for not less than 5 years before the date of filing an application for Michigan licensure, then it will be presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code.

(3) If an applicant does not meet the requirements of subrule (2) of this rule, then the applicant, in addition to meeting the requirements of the code, shall have been licensed in another state after having passed an examination under R 338.7209.

History: 1999 MR 2, Eff. Feb. 22, 1999.

R 338.7215 Relicensure.

Rule 15. An applicant whose license has been lapsed for more than 3 years under section 16201(4) of the code may be relicensed upon meeting either of the following requirements:

(a) Documenting that the applicant holds an unrestricted license in another state.

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(b) Documenting that the applicant has achieved a passing score on the examination approved under R 338.7209.

History: 1999 MR 2, Eff. Feb. 22, 1999.

R 338.7217 Rescission.

Rule 17. R 338.1841 to R 338.1844 and R 338.1861 of the Michigan Administrative Code, appearing on pages 2509 and 2510 of the 1979 Michigan Administrative Code, are rescinded.

History: 1999 MR 2, Eff. Feb. 22, 1999.

PODIATRIC MEDICINE AND SURGERY

PART 1. GENERAL PROVISIONS

R 338.8101

Source: 1990 AACS.

R 338.8103

Source: 1990 AACS.

R 338.8104

Source: 1990 AACS.

R 338.8107

Source: 1990 AACS.

R 338.8108

Source: 1990 AACS.

R 338.8109

Source: 1990 AACS.

R 338.8113

Source: 1990 AACS.

R 338.8125

Source: 1997 AACS.

R 338.8145

Source: 1990 AACS.

FORENSIC POLYGRAPH EXAMINERS

R 338.9001

Source: 1983 AACS.

R 338.9002

Source: 1983 AACS.

R 338.9003

Source: 1983 AACS.

R 338.9004

Source: 1983 AACS.

R 338.9005

Source: 1983 AACS.

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R 338.9006

Source: 1983 AACS.

R 338.9007

Source: 1983 AACS.

R 338.9008

Source: 1983 AACS.

R 338.9009

Source: 1983 AACS.

R 338.9010

Source: 1983 AACS.

R 338.9011

Source: 1983 AACS.

R 338.9012

Source: 1983 AACS.

R 338.9013

Source: 1983 AACS.

NURSING

PART 1. GENERAL PROVISIONS

R 338.10101

Source: 1989 AACS.

R 338.10102

Source: 1989 AACS.

R 338.10103

Source: 1989 AACS.

R 338.10104

Source: 1989 AACS.

R 338.10199

Source: 1989 AACS.

PART 2. LICENSURE

R 338.10201

Source: 1994 AACS.

R 338.10202

Source: 1994 AACS.

R 338.10203

Source: 1990 AACS.

R 338.10204

Source: 1996 AACS.

R 338.10206

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Source: 1994 AACCS.

R 338.10299

Source: 1990 AACCS.

PART 3. NURSING EDUCATION PROGRAMS

R 338.10301

Source: 1989 AACCS.

R 338.10302

Source: 1989 AACCS.

R 338.10303

Source: 1989 AACCS.

R 338.10304

Source: 1989 AACCS.

R 338.10305

Source: 1996 AACCS.

R 338.10306

Source: 1989 AACCS.

R 338.10307

Source: 1989 AACCS.

R 338.10308

Source: 1989 AACCS.

R 338.10309

Source: 1989 AACCS.

R 338.10310 Board evaluation of nursing education program.

Rule 310. (1) The board may evaluate a program of nursing education when any of the following occurs:

- (a) A request for initiating a program of nursing education is submitted.
 - (b) A request for full approval of a program is submitted.
 - (c) A request for approval of a major program change is submitted.
 - (d) The failure rate on the required licensure examination reaches or exceeds 25% for any 1 year of compiled statistics or reaches or exceeds 15% for any 2 of 3 years of compiled annual statistics. A program of nursing education shall report compiled annual data on NCLEX pass rates to the board at the meeting following the end of the first quarter of the calendar year.
 - (e) Complaints regarding the conduct of the program are received and it is necessary to validate the complaints.
- (2) Evaluation processes may include any combination of the following:
- (a) A self-study report.
 - (b) A site visit.
 - (c) A progress report.
 - (d) A follow-up study of graduates and employers.

History: 1989 MR 4, Eff. May 4, 1989; 1998 MR 8, Eff. Sep. 9, 1998. R 338.10404

R 338.10311

Source: 1989 AACCS.

R 338.10312

Source: 1989 AACCS.

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PART 4. NURSE SPECIALTY CERTIFICATION

R 338.10401

Source: 1986 AACCS.

R 338.10402

Source: 1986 AACCS.

R 338.10403

Source: 1986 AACCS.

R 338.10404 Certification qualifications; nurse anesthetist, nurse midwife, and nurse practitioner.

Rule 404. (1) A specialty certification for a nurse anesthetist shall be granted to a registered nurse who satisfies all of the following requirements:

- (a) Holds a current and valid license to practice nursing in Michigan.
- (b) Submits an application for certification in a specialty area of nursing, on a form provided by the department, and the required fee.
- (c) Meets the standards set forth by the council on certification of nurse anesthetists or the council on recertification of nurse anesthetists. The standards are adopted by reference in these rules and are set forth in the publications entitled "Certification Examination for Nurse Anesthetists, Candidate Handbook," 1997, and "Criteria for Recertification," 1997, which may be obtained from the Council on Certification of Nurse Anesthetists, 222 Prospect Avenue, Park Ridge, Illinois 60068, at no cost. The recertification standards are also set forth in the publication entitled "Council on Recertification Criteria for Recertification," April 30, 1997. The publication may be obtained from the Council on Recertification of Nurse Anesthetists, 222 Prospect Avenue, Suite 202, Park Ridge, Illinois 60068, at no cost. The standards may be obtained from the Michigan Board of Nursing, Department of Consumer and Industry Services, P.O. Box 30670, Lansing, Michigan 48909, at no cost.

(2) A specialty certification for nurse midwife shall be granted to a registered nurse who satisfies all of the following requirements:

- (a) Holds a current and valid license to practice nursing in Michigan.
- (b) Submits an application for certification in a specialty area of nursing, on a form provided by the department, and the required fee.
- (c) Meets the standards set forth by the American college of nurse midwives certification council. The standards are adopted by reference in these rules and are set forth in the publication entitled "Information for Candidates," effective April 11, 1997. The standards may be obtained from the American College of Nurse Midwives Certification Council, 8401 Corporate Drive, Suite 470, Landover, MD 20785, at no cost, or from the Michigan Board of Nursing, Department of Consumer and Industry Services, P.O. Box 30670, Lansing, Michigan 48909, at no cost.

(3) A specialty certification for nurse practitioner shall be granted to a registered nurse who satisfies all of the following requirements:

- (a) Holds a current and valid license to practice nursing in Michigan.
- (b) Has a bachelor of science degree, or higher degree, in nursing.
- (c) Submits an application for certification in a specialty area of nursing, on a form provided by the department, and the required fee.
- (d) Has successfully completed a formal advanced program for nurse practitioners that consists of a combination of didactic and clinical training with a minimum of 120 hours or 30% of the program's hours, whichever is less, devoted to classroom theory and a minimum of 360 hours or 30% of the program's hours, whichever is less, devoted to supervised clinical practice in the specialty area. The program shall encompass a minimum of 1 academic year or 9 months.
- (e) Meets the advanced practice certification standards of the American nurses credentialing center, the national certification board of pediatric nurse practitioners and nurses, the national certification corporation for the obstetric and gynecologic and neonatal nursing specialties, the American academy of nurse practitioners, and the oncology nursing certification corporation. The standards are adopted by reference in

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these rules and are set forth in the publications entitled “American Nurses Credentialing Center Advanced Practice Certification Catalog 1997,” which may be obtained from the American Nurses Credentialing Center, 600 Maryland Avenue, SW, Suite 100 West, Washington, DC 20024-2571, at no cost; the publication entitled “National Certification Board of Pediatric Nurse Practitioners and Nurses 1997,” which may be obtained from the National Certification Board of Pediatric Nurse Practitioners and Associates, 800 South Frederick Avenue, Suite 104, Gaithersburg, MD 20877, at no cost; the publication entitled “NCC 1997 Registration Catalog,” which may be obtained from the National Certification Corporation for the Obstetric, Gynecologic and Neonatal Specialties, Suite 1058, P. O. Box 11082, Chicago, Illinois 60611, at no cost; the publication entitled “American Academy of Nurse Practitioners Report on Certification Methodologies 1997,” which may be obtained from the American Academy of Nurse Practitioners, Certification Program, Capitol Station, P.O. Box 12926, Austin, TX 78711, at no cost; and the publication entitled “Oncology Nursing Certification Corporation Test Bulletin 1997,” which may be obtained from The Oncology Nursing Certification Corporation, 501 Holiday Drive, Pittsburgh, PA 15220-2749 at no cost. The standards may be obtained from the Michigan Board of Nursing, Department of Consumer and Industry Services, P.O. Box 30670, Lansing, Michigan 48909, at no cost.

History: 1986 MR 2, Eff. Feb. 22, 1986; 1990 MR 6, Eff. July 6, 1990; 1998 MR 8, Eff. Sep. 9, 1998.

R 338.10405

Source: 1991 AACS.

R 338.10406

Source: 1986 AACS.

PART 6. CONTINUING EDUCATION

R 338.10601

Source: 1996 AACS.

R 338.10602

Source: 1996 AACS.

R 338.10603

Source: 1996 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

OFFICE OF HEALTH SERVICES

BOARD OF NURSING

GENERAL RULES

PART 7. Nursing Scholarship Program

R 338.10701 Definitions.

Rule 701. As used in this part:

- (a) "Board" means the board of nursing.
- (b) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.
- (c) "Department" means the Department of Consumer and Industry Services.
- (d) "Nurse Professional Fund" means the fund established under Section 16315(6) of the Code.

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History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.10702. Board determination of categories and areas of need for designating awards; department required to communicate board's determination of need to nursing programs; applications.

Rule 702. (1) The board shall biennially determine categories and areas of need for designating scholarship awards to eligible programs of nursing. The board may consider any of the following in establishing categories and areas of need:

- (a) Data generated from licensure renewal data provided by the division of health statistics, Michigan department of community health.
- (b) National nursing statistical data and trends that have identified nursing shortages.
- (c) Data identifying medically underserved areas (mua), medically underserved populations (mup), or health professional shortage areas (hpsa).

(2) The department shall communicate the board's determination as to categories and areas of need to approved nursing education programs in Michigan.

(3) The department shall provide applications to approved programs of nursing that meet the established eligibility criteria in R 338.10703.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.10703. Schools; eligibility; awards.

Rule 703. (1) To be eligible for a scholarship award, a school shall meet all of the following criteria:

- (a) Be approved by the Michigan Board of Nursing or the United States department of education approved accrediting agency.
- (b) Have a primary campus located within the State of Michigan.
- (c) Offer a program of nursing that meets the predetermined category and area of need as established by the board.

(2) A school shall file an application setting forth the information requested on the form establishing eligibility.

(3) The department shall annually disburse a designated number of awards not to exceed \$5,000 for each student to eligible schools that meet the predetermined criteria set forth by the board.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.10704 School awards to eligible students; requirements, procedures.

Rule 704. (1) An eligible school, upon receiving an award, shall award a scholarship to a student who meets all of the following criteria:

- (a) Resides in the State of Michigan.
- (b) If licensed as a nurse, holds an unencumbered Michigan license to practice nursing.
- (c) Intends to practice within the State of Michigan in an underserved area, with an underserved population, or in a health professional shortage area as identified by the board.
- (d) Is not in receipt of a full scholarship from another source.

(2) A school shall apply a scholarship award first to the cost of tuition, books, and fees associated with the program. A school shall then provide the remainder of the award, if any, to the student in the form of a stipend.

(3) The school shall notify the department, in writing, of its intent to award a scholarship. The notice shall set forth all of the following information:

- (a) The name of recipient.
- (b) Course of study or program in which enrolled.
- (c) Validation that all criteria have been met.
- (4) A school shall make a scholarship award to a student on a one-time basis.
- (5) The school shall notify the department, in writing, when a scholarship recipient completes the nursing program.
- (6) If a recipient withdraws from the nursing program, then the school shall notify the department of its

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intent to award the remaining scholarship monies in accordance with subrule (3) of this rule.
History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.10705 School ineligibility; notification; hearing.

Rule 705. (1) If a school is deemed ineligible for a nursing scholarship award, then the department shall notify the school in writing.

(2) Upon receipt of notification of ineligibility, a school may request a hearing. The department shall conduct a hearing under Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

History: 1999 MR 11, Eff. Nov. 17, 1999.

DENTISTRY

PART 1. GENERAL PROVISIONS

R 338.11101

Source: 1989 AACCS.

R 338.11103

Source: 1984 AACCS.

R 338.11105

Source: 1997 AACCS.

R 338.11107

Source: 1984 AACCS.

R 338.11109

Source: 1984 AACCS.

R 338.11115

Source: 1989 AACCS.

R 338.11117

Source: 1984 AACCS.

R 338.11120

Source: 1989 AACCS.

R 338.11121

Source: 1989 AACCS.

R 338.11199

Source: 1984 AACCS.

PART 2. LICENSURE

R 338.11201

Source: 1997 AACCS.

R 338.11202

Source: 1997 AACCS.

R 338.11203

Source: 1997 AACCS.

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R 338.11205

Source: 1997 AACS.

R 338.11207

Source: 1997 AACS.

R 338.11211

Source: 1997 AACS.

R 338.11215

Source: 1997 AACS.

R 338.11217

Source: 1997 AACS.

R 338.11219

Source: 1997 AACS.

R 338.11221

Source: 1997 AACS.

R 338.11222

Source: 1997 AACS.

R 338.11223

Source: 1997 AACS.

R 338.11225

Source: 1997 AACS.

R 338.11227

Source: 1997 AACS.

R 338.11233

Source: 1984 AACS.

R 338.11235

Source: 1984 AACS.

R 338.11239

Source: 1989 AACS.

R 338.11241

Source: 1984 AACS.

R 338.11245

Source: 1984 AACS.

R 338.11247

Source: 1984 AACS.

R 338.11249 Rescinded.

History: 1984 MR 7, Eff. July 19, 1984; rescinded 1989 MR 5, Eff. May 23, 1989.

R 338.11253

Source: 1984 AACS.

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R 338.11255
Source: 1989 AACs.

R 338.11259
Source: 1989 AACs.

R 338.11261
Source: 1989 AACs.

R 338.11267
Source: 1989 AACs.

PART 3. EDUCATION

R 338.11301 Approval of dental schools; standards; adoption by reference.

Rule 1301. (1) The board adopts the standards set forth by the commission on dental accreditation of September, 1995, as the standards by which the board shall determine whether to approve a school which meets those standards. Certification by the commission on dental accreditation that a school meets the standards adopted by the board constitutes a prima facie showing that the school meets those standards. The board shall actively participate in this evaluation process.

(2) The standards of the commission on dental accreditation may be obtained from the Michigan Board of Dentistry, Department of Licensing and Regulation, P.O. Box 30018, Lansing, MI 48909, at cost, or from the Commission on Dental Accreditation, 211 E. Chicago Ave., Chicago, IL 60611, at no cost.

History: 1984 MR 7, Eff. July 19, 1984; 1997 MR 1, Eff. Feb. 16, 1997.

R 338.11303 Approval of dental hygiene schools; standards; adoption by reference.

Rule 1303. (1) The board adopts the standards set forth by the commission on dental accreditation of July, 1995, as the standards by which the board shall determine whether to approve a school which prepares persons for licensure as dental hygienists. Certification by the commission on dental accreditation that a school meets the standards adopted by the board constitutes a prima facie showing that the school meets those standards. The board shall actively participate in this evaluation process.

(2) The standards of the commission on dental accreditation may be obtained from the Michigan Board of Dentistry, Department of Licensing and Regulation, P.O. Box 30018, Lansing, MI 48909, at cost, or from the Commission on Dental Accreditation, 211 E. Chicago Ave., Chicago, IL 60611, at no cost.

History: 1984 MR 7, Eff. July 19, 1984; 1997 MR 1, Eff. Feb. 16, 1997.

R 338.11307 Approval of dental assisting schools; standards; adoption by reference; approval of schools preparing persons for licensure as registered dental assistants.

Rule 1307. (1) The board adopts the standards of the commission on dental accreditation of January, 1995, as the standards by which the board shall determine whether to approve a school which meets those standards. Certification by the commission on dental accreditation that the standards adopted by the board constitutes a prima facie showing that the school meets those standards. The board shall actively participate in this evaluation process.

(2) The standards of the commission on dental accreditation may be obtained from the Michigan Board of Dentistry, Department of Licensing and Regulation, P.O. Box 30018, Lansing, MI 48909, at cost, or from the Commission on Dental Accreditation, 211 E. Chicago Ave., Chicago, IL 60611, at no cost.

History: 1984 MR 7, Eff. July 19, 1984; 1997 MR 1, Eff. Feb. 16, 1997.

PART 4. DELEGATION, SUPERVISION, ASSIGNMENT

R 338.11401 Delegation or assignment of procedures by dentist to assistant, registered dental assistant, or registered dental hygienist; certain procedures prohibited.

Rule 1401. (1) A dentist shall not delegate or assign the following functions to an assistant or a registered dental assistant unless authorized by these rules or the code:

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- (a) Diagnosing, or prescribing for, any of the following:
 - (i) Disease.
 - (ii) Pain.
 - (iii) Deformity.
 - (iv) Deficiency.
 - (v) Injury.
 - (vi) Physical condition.
 - (b) Cutting of hard and soft tissue.
 - (c) Removal of any of the following:
 - (i) Accretions.
 - (ii) Stains.
 - (iii) Calculus deposits.
 - (d) Deep scaling.
 - (e) Root planing.
 - (f) Any intra-oral restorative procedures.
 - (g) Administration of any of the following:
 - (i) Local anesthesia.
 - (ii) Nitrous oxide analgesia.
 - (iii) Acupuncture.
 - (h) Irrigation and medication of root canals, try-in of cones or points, filing, or filling of root canals.
 - (i) Taking impressions for any purpose other than study or opposing models.
 - (j) Permanent cementation of any restoration or appliance.
 - (2) A dentist shall not assign to a registered dental hygienist the procedures described in subrule (1) (a), (b), (f), (g), (h), (i), and (j) of this rule unless authorized by these rules or the code.
- History: 1984 MR 7, Eff. July 19, 1984; 1999 MR 9, Eff. Sep. 27, 1999.

R 338.11403

Source: 1989 AACs.

R 338.11405 Registered dental assistant; assignment of intra-oral procedures under general supervision; assignment of intra-oral procedures under direct supervision.

Rule 1405. (1) A dentist shall not assign the intra-oral dental procedures detailed in R 338.11403(l) and the following additional intra-oral procedures to a registered dental assistant unless the procedures are performed under the general supervision of a dentist:

- (a) Placement and removal of rubber dam.
- (b) Placement and removal of nonmetallic temporary restorations.
- (c) Removing excess cement from supragingival surfaces of a tooth with nonrotary instruments.
- (d) Application of anticariogenics after oral prophylaxis, when ordered by a licensed dentist.
- (e) Mouth mirror inspection of oral cavity, including chartings of lesions, existing restorations, missing teeth, and classification of occlusion.
- (f) Sizing of temporary crowns and bands.
- (2) A dentist shall not assign the intra-oral dental procedures detailed in R 338.11403(2) and the following additional intra-oral procedures to a registered dental assistant unless the procedures are performed under the direct supervision of a dentist:
 - (a) Placement and removal of periodontal dressings.
 - (b) Temporary cementation and removal of temporary crowns and bands.
 - (c) Removal of sutures.
 - (d) Polishing specific teeth with a slow-speed rotary handpiece immediately before procedures that require acid etching, for:
 - (i) Placement of sealants.
 - (ii) Placement of resin-bonded orthodontic appliances.
 - (iii) Placement of direct restorations by the dentist.
- (3) Except for the procedures described in this rule, a dentist shall not assign intra-oral procedures to a

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registered dental assistant.

History: 1984 MR 7, Eff. July 19, 1984; 1999 MR 9, Eff. Sep. 27, 1999.

R 338.11406

Source: 1984 AACs.

R 338.11408 Registered dental hygienist; assignment of intra-oral procedures under assignment of dentist; assignment of intraoral procedures under direct supervision.

Rule 1408. (1) A registered dental hygienist shall not perform the following intra-oral dental procedures unless the procedures are performed under the assignment of a dentist as defined in section 16601 of the code:

- (a) Removal of accretions and stains from the surfaces of the teeth and application of topical agents essential to complete prophylaxis.
 - (b) Root planing.
 - (c) Polishing and contouring restorations.
 - (d) Application of anticariogenic agents.
 - (e) Charting of the oral cavity using radiographs, including all of the following:
 - (i) Periodontal charting.
 - (ii) Intra- and extra-oral examination of soft tissue.
 - (iii) Charting of radiolucencies or radiopacities, existing restorations, and missing teeth.
 - (f) Preliminary examination, including both of the following:
 - (i) Classifying occlusion.
 - (ii) Testing pulp vitality using an electric pulp tester.
 - (g) Application of nonaerosol and noncaustic topical anesthetic agents by prescription of the dentist.
 - (h) Placement and removal of intra-coronal temporary sedative dressings.
 - (i) Taking intra-oral measurements for orthodontic procedures.
 - (j) Placement and removal of postextraction and periodontal dressings.
 - (k) Removal of excess cement from tooth surfaces.
 - (l) Nutritional counseling for oral health and maintenance.
 - (m) Application of commonly accepted emergency procedures.
 - (n) Removal of sutures.
 - (o) Placement and removal of rubber dam.
- (2) A registered dental hygienist shall not perform soft tissue curettage unless under the direct supervision of a dentist.

History: 1984 MR 7, Eff. July 19, 1984; 1999 MR 9, Eff. Sep. 27, 1999.

PART 5. SPECIALTIES

R 338.11501

Source: 1994 AACs.

R 338.11503

Source: 1994 AACs.

R 338.11505

Source: 1994 AACs.

R 338.11507

Source: 1984 AACs.

R 338.11509

Source: 1984 AACs.

R 338.11511

Source: 1984 AACs.

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R 338.11512

Source: 1994 AACCS.

R 338.11513

Source: 1984 AACCS.

R 338.11515

Source: 1984 AACCS.

R 338.11517 Prosthodontics explained; certification requirements; examination content.

Rule 1517. (1) The practice of prosthodontics includes the restoration and maintenance of oral function by the replacement of missing teeth and maxillofacial tissue with artificial devices.

(2) The specialty of prosthodontics shall include the providing of suitable substitutes for the coronal portions of or for 1 or more lost or missing natural teeth and their associated parts or for the loss of maxillofacial tissue in order to restore the impaired functions, appearance, comfort, and health of the patient.

(3) A dentist who desires certification as a prosthodontist shall comply with both of the following requirements:

(a) Hold a current license to practice dentistry in Michigan.

(b) Have graduated from a program of prosthodontics approved by the board under R 338.11301.

(4) Examination for certification as a prosthodontist shall be both written and clinical and shall include, but not be limited to, all of the following:

(a) Pharmacology.

(b) Denture theory.

(c) Dental materials.

(d) Crown and bridge.

(e) Occlusal adjustment.

(f) Periodontal therapy.

(g) Pathology and histology.

(h) Maxillofacial prosthetics.

(i) Oral pathology and diagnosis.

(j) Complete denture prosthodontics.

(k) Esthetic restorative procedures.

(l) Dental materials in prosthodontics.

(m) Principles of restorative dentistry.

(n) Clinical evaluation in restorative dentistry.

(o) Mandibular movement and functional occlusion.

(p) Completion and submission of 5 patient histories with appropriate preoperative and postoperative radiographs and photographs. The histories shall represent the major areas of prosthodontics, which include all of the following:

(i) Immediate denture.

(ii) Single complete denture.

(iii) Fixed partial denture opposing fixed partial denture.

(iv) Combination complete denture and fixed partial denture.

(v) Combination complete denture and removable partial denture.

(vi) Combination removable partial denture and fixed partial denture.

(vii) Opposing maxillary complete denture and mandibular complete denture.

(viii) Removable partial denture and intracoronal and extracoronal retainers.

(ix) Maxillofacial prosthesis, which shall include, but not be limited to, an intra-oral prosthesis that may include both fixed and removable portions.

(q) A comprehensive oral examination that shall be administered by not less than 2 examiners covering the broad field of prosthodontics and related arts and sciences or other case presentations as required, or both.

(5) A dentist who desires certification as a prosthodontist shall comply with R 338.11505.

History: 1984 MR 7, Eff. July 19, 1984; 1999 MR 9, Eff. Sep. 27, 1999.

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R 338.11519

Source: 1984 AACS.

R 338.11521

Source: 1984 AACS.

R 338.11523

Source: 1984 AACS.

R 338.11525

Source: 1994 AACS.

R 338.11527

Source: 1984 AACS.

PART 6. GENERAL ANESTHESIA AND INTRAVENOUS CONSCIOUS SEDATION

R 338.11601

Source: 1990 AACS.

R 338.11602 Intravenous conscious sedation; conditions; violation.

Rule 2. (1) A dentist shall not administer intravenous conscious sedation to a dental patient or delegate and supervise the performance of any act, task, or function involved in the administration of intravenous conscious sedation to a dental patient unless 1 of the following conditions is satisfied:

(a) The dentist complies with the provisions of R 338.11601(1) or (2).

(b) The dentist complies with both of the following provisions:

(i) The dentist has completed a minimum of 60 hours of training in intravenous conscious sedation and related academic subjects, including a minimum of 40 hours of supervised clinical instruction in which the individual has sedated not less than 10 cases in a course that meets the standards adopted in R 338.11603(2).

(ii) The dentist and the delegatee, if any, maintains current certification in basic or advanced cardiac life support from an agency or organization that grants such certification pursuant to standards substantially equivalent to the standards adopted in R 338.11603(3).

(c) The facility in which the anesthesia is administered meets the equipment standards adopted in R 338.11603(4).

(2) A dentist is deemed to have violated the provisions of section 16221(1)(g) of the act if he or she administers intravenous conscious sedation to a dental patient or delegates and supervises the performance of any act, task, or function involved in the administration of intravenous conscious sedation to a dental patient without being in compliance with the provisions of subrule (1) of this rule.

History: 1990 MR 7, Eff. July 31, 1990; 1997 MR 1, Eff. Feb. 16, 1997.

R 338.11603 Adoption of standards; effect of certification of programs.

Rule 3. (1) The board adopts the standards for advanced training in anesthesia and pain control set forth by the council on dental education of the American dental association in part two of the publication entitled "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry," 1993 edition. Part two of the guidelines may be obtained from the Michigan Board of Dentistry, Department of Licensing and Regulation, P.O. Box 30018, Lansing, MI 48909, or from the Council on Dental Education, American Dental Association, 211 E. Chicago Avenue, Chicago, IL 60611, at no cost. Certification of programs by the council on dental education as meeting the standards adopted constitutes a prima facie showing that the program meets the standards.

(2) The board adopts the standards for training in intravenous conscious sedation and related subjects set forth by the council on dental education of the American dental association in part one of the publication entitled, "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry," 1993 edition. Part one of the guidelines may be obtained from the Michigan Board of

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Dentistry, Department of Licensing and Regulation, P.O. Box 30018, Lansing, MI 48909, or from the Council on Dental Education, American Dental Association, 211 E. Chicago Avenue, Chicago, IL 60611, at no cost. Certification of programs by the council on dental education as meeting the standards adopted constitutes a prima facie showing that the program meets the standards.

(3) The board adopts the standards for certification in basic and advanced cardiac life support set forth by the American heart association in the publication entitled "Standards and Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiac Care" and published in the publication entitled "Journal of the American Medical Association," volume 268, no. 16, on October 28, 1992. A copy of the guidelines may be obtained from the Michigan Board of Dentistry, Department of Licensing and Regulation, P.O. Box 30018, Lansing, MI 48909, at no cost, or from the American Heart Association, 7320 Greenville Avenue, Dallas, TX 75231, at a cost of \$1.04.

(4) The board adopts the standards regarding the equipment within a facility set forth by the American association of oral and maxillofacial surgeons in the publication entitled "Office Anesthesia Evaluation Manual," fifth edition 1995. A copy of the "Office Anesthesia Evaluation Manual" may be obtained from the Michigan Board of Dentistry, Department of Licensing and Regulation, P.O. Box 30018, Lansing, MI 48909, at no cost, or from the American Association of Oral and Maxillofacial Surgeons, AAOMS publications #A-2, P.O. Box 5188, Glendale Heights, IL 60139, at a cost as of the time of adoption of these rules of \$50.00.

History: 1990 MR 7, Eff. July 31, 1990; 1997 MR 1, Eff. Feb. 16, 1997.

R 338.11604

Source: 1990 AACS.

PART 7. CONTINUING EDUCATION

R 338.11701

Source: 1991 AACS.

R 338.11703

Source: 1991 AACS.

R 338.11705

Source: 1991 AACS.

CHIROPRACTIC

R 338.12001

Source: 1982 AACS.

R 338.12002 Licensure; application.

Rule 2. (1) An applicant for licensure shall apply on forms provided by the department.

(2) An applicant shall submit application fees established by the legislature with the application.

History: 1979 ACS 9, Eff. Jan. 14, 1982; 2000 MR 6, Eff. May. 4, 2000.

R 338.12003 Licensure by examination.

Rule 3. An applicant for licensure by examination shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and these rules, an applicant for licensure by examination shall meet both of the following provisions:

(a) Have graduated from a program or institution of chiropractic that meets the educational standards in R 338.12006 and have final, official transcripts provided to the department from the educational institution.

(b) Shall meet one of the following:

(i) For applications filed on or before December 31, 2000, an applicant shall have achieved either of the following:

(A) A passing score on the state examination which is approved by the Michigan board of chiropractic and

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which is administered by the department of consumer and industry services pursuant to the provisions of R 338.12005(1).

(B) Passing scores on parts I and II of the national board examination. The scores and verification shall be sent directly from the national board office to the chiropractic board office.

(ii) For an application filed on or after January 1, 2001, an applicant shall have passed parts I, II, and III of the national board examination that is conducted and scored by the national board of chiropractic examiners.

History: 1979 ACS 9, Eff. Jan. 14, 1982; 1987 MR 3, Eff. Apr. 15, 1987; 1992 MR 12, Eff. Dec. 19, 1992; 2000 MR 6, Eff. May. 4, 2000.

R 338.12004 Licensure by endorsement.

Rule 4. (1) An applicant for a chiropractic license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and these rules, an applicant shall satisfy the requirements of this rule.

(2) If an applicant was licensed in another state before January 1, 2001, and has been engaged in the practice of chiropractic for a minimum of 5 years before the date of filing an application for Michigan licensure, it will be presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code.

(3) If an applicant does not meet the requirements of subrule (2) of this rule, then the applicant, in addition to meeting the requirements of the code, shall have been licensed in another state and establish having passed the examination specified in R 338.12003(c).

History: 1979 ACS 9, Eff. Jan. 14, 1982; 1987 MR 3, Eff. Apr. 15, 1987; 2000 MR 6, Eff. May 4, 2000.

R 338.12005 Examination adoption.

Rule 5. (1) The board approves and adopts the state examination conducted and scored by the department of consumer and industry services. The passing score for the examination shall be a converted score of not less than 75.

(2) The board approves and adopts the national board examination in chiropractic that is conducted and scored by the national board of chiropractic examiners. The passing score for the national board examination parts I, II, and III shall be a converted score of not less than 75.

History: 1979 ACS 9, Eff. Jan. 14, 1982; 1987 MR 3, Eff. Apr. 15, 1987; 2000 MR 6, Eff. May 4, 2000.

R 338.12006 Adoption of educational standards by reference.

Rule 6. The board adopts by reference the standards of the council on chiropractic education, commission on accreditation, as specified in the publication entitled, "Standards for Chiropractic Programs and Institutions," January 1999. The standards are available from The Council on Chiropractic Education, 7975 North Hayden Road, Suite A210, Scottsdale, Arizona 85258, at no cost. The standards are also available at the Board of Chiropractic, Department of Consumer and Industry Services, 611 West Ottawa Street, P. O. Box 30670, Lansing, Michigan 48909.

History: 1979 ACS 9, Eff. Jan. 14, 1982; 2000 MR 6, Eff. May. 4, 2000.

R 338.12007 Rescinded.

History: 1979 ACS 9, Eff. Jan. 14, 1982; rescinded 2000 MR 6, Eff. May. 4, 2000.

R 338.12008 License renewal and relicensure.

Rule 8. (1) An applicant for renewal of a license to practice chiropractic or an applicant for relicensure under section 16201(3) of the code shall have completed, in the 2-year period immediately preceding the application, 24 hours of continuing education in programs approved by the board. This rule does not apply to licensees who have obtained their initial chiropractic license within the 2-year period immediately preceding the expiration date of the initial license.

(2) An applicant for relicensure under the provisions of section 16201(4) of the code shall comply with either of the following requirements:

(a) Have completed, in the 3-year period immediately preceding the application for relicensure, 36 hours of

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continuing education in programs approved by the board with not less than 24 hours in courses on chiropractic adjusting techniques.

(b) Have been continuously licensed and engaged in the practice of chiropractic in another state during the 3-year period immediately preceding the application for relicensure.

History: 1979 ACS 9, Eff. Jan. 14, 1982; 1987 MR 3, Eff. Apr. 15, 1987; 1992 MR 3, Eff. Apr. 14, 1992; 2000 MR 6, Eff. May. 4, 2000.

R 338.12008a Continuing education; approval of programs; acceptable and unacceptable programs.

Rule 8a. (1) The board shall consider any of the following as board-approved continuing education:

(a) Successful completion of a course or courses offered for credit in a chiropractic school approved by the board under R 338.12006.

(b) Successful completion of a continuing education program offered by a chiropractic school approved by the board under R 338.12006.

(c) Renewal of a license held in another state that requires continuing education for license renewal which is substantially equivalent to the requirements of these rules if the applicant resides and practices in that state.

(2) The board shall consider requests for approval of continuing education programs by sponsors who submit applications on a form provided by the department. For purposes of this rule, 1 hour of continuing education is defined as 50 minutes. The board shall evaluate applications for approval based upon all of the following:

(a) Programs shall have content outlines and schedules.

(b) Sponsors shall provide a listing of program materials.

(c) Sponsors shall provide information relative to the method for monitoring attendance.

(d) Sponsors shall furnish evidence of attendance to attendees.

(e) Program instructors or presenters shall demonstrate qualifications and knowledge in the subject matter.

(f) Programs shall relate to the general subject area of the practice of chiropractic.

(3) Programs considered for approval under subrules (1) and (2) of this rule shall not receive credit for those portions of programs covering subject areas that include practice building, marketing, administration, or financial advancement.

History: 1979 ACS 9, Eff. Jan. 14, 1982; 1987 MR 3, Eff. Apr. 15, 1987; 1992 MR 3, Eff. Apr. 14, 1992; 2000 MR 6, Eff. May. 4, 2000.

R 338.12009

Source: 1982 AACS.

R 338.12010

Source: 1982 AACS.

R 338.12011

Source: 1982 AACS.

R 338.12012

Source: 1997 AACS.

R 338.12013

Source: 1982 AACS.

R 338.12014

Source: 1987 AACS.

OFFICE OF COMMERCIAL SERVICES
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R 339.601 Placement on interior designer qualification list; application procedure and fee.

Rule 1. (1) To be placed on the list compiled by the department of consumer and industry services as having met the qualifications to perform services as an interior designer, an individual shall apply to the Department of Consumer and Industry Services, Office of Commercial Services, Design Boards Unit, P. O. Box 30018, Lansing, MI 48909-7518, on an application form provided by the department. The individual shall submit a fee of \$20.00, payable to the State of Michigan, with the application.

(2) An individual who is qualified as an interior designer on the basis of the examination offered by the national council for interior design qualification shall submit proof of passing the examination with the application.

(3) An individual who has not successfully completed the qualifying examination shall submit written documentation of education and experience with the application for review by the advisory subcommittee on interior design.

History: 1999 MR 4, Eff. May 10, 1999.

PART 1. LICENSE AND REGISTRATION RENEWALS

R 339.1001 Definitions.

(1) As used in these rules:

(a) "Act" means 1980 PA 299 as amended, MCL 339.101 et seq, and known as the occupational code.

(b) "State license fee act" means 1979 PA 152 as amended, MCL 338.2201 et seq.

(2) The terms defined in article 1 of the act have the same meanings when used in these rules.

History: 2000 MR 13, Eff. Sept. 1, 2000.

R 339.1002 Certain occupations; license and license renewal expiration.

Rule 2. (1) License and license renewals that are issued for the collection practices board, athletic board of control, private employment board, real estate board, cosmetology establishments and schools, and mortuary science trainees shall expire annually on the following dates and shall be renewed every year thereafter:

Collection practices	6/30.
Athletic board of control	8/31.
Private employment	12/31.
Real estate	10/31.
Cosmetology establishments and schools	8/31.
Mortuary science trainees	1/31.

(2) Licenses and license renewals that are issued for barber apprentices and student instructors shall be valid for a period of 1 year from the date of issue and may be renewed on the same date thereafter.

History: 2000 MR 13, Eff. Sept. 1, 2000.

R 339.1003 Certain occupations, license or registration renewals; expiration.

Rule 3. (1) Except as provided in R 339.1002 and subrule (2) of this rule, licenses or registrations and license or registration renewals that are issued for foresters, landscape architects, cosmetology, barbers, community planners, mortuary science, nursing home administrators, architects, professional surveyors, professional engineers, hearing aid dealers, accountancy, real estate appraisers, and residential builders and maintenance and alteration contractors shall expire biennially on the following dates and shall be renewed every 2 years thereafter:

Foresters	5/31.
Residential builders and maintenance and alteration contractors	5/31.
Landscape architects	7/31.
Real estate appraisers	7/31.
Cosmetology	8/31.
Barbers	9/30.
Community planners	10/31.
Mortuary science	10/31.
Nursing home administrators	10/31.

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Architects.....	10/31.
Professional surveyors.....	10/31.
Professional engineers.....	10/31.
Hearing aid dealers	11/30.
Accountancy	12/31.

(2) Licenses and license renewals that are issued for barber students shall be valid for a period of 2 years from the date of issue and may be renewed on the same date thereafter.

(3) A person, firm, or corporation that has been issued a license or registration pursuant to the provisions of article 7 of the act shall renew the license or registration on or before July 31 and shall renew it every 2 years thereafter.

(4) A license or registration that has a limitation may be renewed for a term that is less than the biennial period.

(5) For licenses that are to be renewed biennially, the department may initially renew half of the licenses for 1 year and half of the licenses for 2 years to provide equal numbers of renewals in each fiscal year.

History: 2000 MR 13, Eff. Sept. 1, 2000.

R 339.1004

Source: 1993 AACS.

R 339.1005

Source: 1997 AACS.

PART 7. DISCIPLINARY PROCEEDINGS

R 339.1701

Source: 1997 AACS.

R 339.1703

Source: 1990 AACS.

R 339.1705

Source: 1990 AACS.

R 339.1707

Source: 1997 AACS.

R 339.1709

Source: 1990 AACS.

R 339.1711

Source: 1997 AACS.

R 339.1713

Source: 1990 AACS.

R 339.1715

Source: 1997 AACS.

R 339.1721

Source: 1990 AACS.

R 339.1725

Source: 1997 AACS.

R 339.1726

Source: 1990 AACS.

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R 339.1727
Source: 1997 AACs.

R 339.1728
Source: 1997 AACs.

R 339.1731
Source: 1990 AACs.

R 339.1741
Source: 1997 AACs.

R 339.1743
Source: 1997 AACs.

R 339.1745
Source: 1997 AACs.

R 339.1746
Source: 1997 AACs.

R 339.1747
Source: 1990 AACs.

R 339.1751
Source: 1990 AACs.

R 339.1753
Source: 1997 AACs.

R 339.1755
Source: 1990 AACs.

R 339.1757
Source: 1990 AACs.

R 339.1759
Source: 1997 AACs.

R 339.1761
Source: 1990 AACs.

R 339.1763
Source: 1990 AACs.

R 339.1765
Source: 1997 AACs.

R 339.1767
Source: 1990 AACs.

R 339.1771
Source: 1997 AACs.

ATHLETICS

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PART 1. GENERAL PROVISIONS

R 339.3101

Source: 1995 AACS.

R 339.3102

Source: 1985 AACS.

R 339.3199

Source: 1985 AACS.

PART 2. PROFESSIONAL BOXING

R 339.3201

Source: 1995 AACS.

R 339.3202

Source: 1995 AACS.

R 339.3203

Source: 1995 AACS.

R 339.3204

Source: 1995 AACS.

R 339.3205

Source: 1995 AACS.

R 339.3206

Source: 1995 AACS.

R 339.3207

Source: 1995 AACS.

R 339.3207a

Source: 1995 AACS.

R 339.3208

Source: 1995 AACS.

R 339.3209

Source: 1995 AACS.

R 339.3210

Source: 1995 AACS.

R 339.3210a

Source: 1995 AACS.

R 339.3211

Source: 1995 AACS.

R 339.3212

Source: 1995 AACS.

R 339.3213

Source: 1995 AACS.

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R 339.3214
Source: 1995 AACS.

R 339.3215
Source: 1995 AACS.

R 339.3216
Source: 1995 AACS.

R 339.3217
Source: 1995 AACS.

R 339.3218
Source: 1995 AACS.

R 339.3219
Source: 1995 AACS.

R 339.3220
Source: 1995 AACS.

R 339.3221
Source: 1995 AACS.

R 339.3222
Source: 1995 AACS.

R 339.3223
Source: 1995 AACS.

R 339.3224
Source: 1995 AACS.

R 339.3225
Source: 1995 AACS.

R 339.3226
Source: 1995 AACS.

R 339.3227
Source: 1995 AACS.

R 339.3228
Source: 1995 AACS.

R 339.3229
Source: 1995 AACS.

R 339.3230
Source: 1995 AACS.

R 339.3231
Source: 1995 AACS.

R 339.3232
Source: 1995 AACS.

R 339.3233
Source: 1995 AACS.

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R 339.3234

Source: 1985 AACS.

R 339.3235

Source: 1995 AACS.

R 339.3236

Source: 1995 AACS.

DIRECTOR'S OFFICE
COLLECTION AGENCIES

R 339.4001

Source: 1997 AACS.

R 339.4003

Source: 1997 AACS.

R 339.4005

Source: 1997 AACS.

R 339.4007

Source: 1997 AACS.

R 339.4009

Source: 1997 AACS.

R 339.4011

Source: 1997 AACS.

PERSONNEL AGENCIES

PART 1. GENERAL PROVISIONS

R 339.5001

Source: 1996 AACS.

R 339.5005

Source: 1996 AACS.

R 339.5009

Source: 1996 AACS.

PART 2. LICENSING

R 339.5021

Source: 1996 AACS.

R 339.5023

Source: 1996 AACS.

PART 3. STANDARDS OF CONDUCT

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R 339.5031

Source: 1996 AACS.

R 339.5033

Source: 1996 AACS.

R 339.5035

Source: 1996 AACS.

R 339.5037

Source: 1996 AACS.

R 339.5039

Source: 1996 AACS.

BARBERS

PART 1. GENERAL PROVISIONS

R 339.6001

Source: 1991 AACS.

R 339.6003

Source: 1991 AACS.

R 339.6019

Source: 1991 AACS.

PART 2. LICENSES

R 339.6021 Rescinded.

History: 1991 MR 2, Eff. Mar. 15, 1991; Rescinded 1998 MR 5, EFF. 6/11/98.

PART 3. SANITATION

R 339.6031

Source: 1991 AACS.

R 339.6033

Source: 1991 AACS.

R 339.6035

Source: 1991 AACS.

R 339.6037

Source: 1991 AACS.

PART 4. BARBER COLLEGES

R 339.6041

Source: 1994 AACS.

R 339.6045

Source: 1991 AACS.

R 339.6047

Source: 1991 AACS.

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R 339.6049

Source: 1991 AACs.

NURSING HOME ADMINISTRATORS

PART 1. GENERAL PROVISIONS

R 339.14001

Source: 1992 AACs.

R 339.14003 Conduct of public meetings; "chairperson" defined.

Rule 3. (1) For the purpose of this rule, "chairperson" means the person authorized to convene and moderate a meeting of the board or any committee of the board and also means any other person acting temporarily as convenor or moderator.

(2) Each person present at a public meeting shall be provided a reasonable opportunity to address the public meeting on an agenda item or a topic relevant to the public body which is not on the agenda if the person makes a request to the board's offices or to the department before convening the meeting or to the chairperson before the conclusion of the meeting.

(3) A group of 5 or more persons may be asked to give advance notice to the chairperson or the department of its intention to attend a meeting so that an effort may be made to provide adequate space. Such advance notice is not required.

(4) The chairperson shall do all of the following:

(a) Conduct the public participation portion of the meeting in an orderly and decorous fashion.

(b) Within the time limits available, recognize each person wishing to speak.

(c) Allow for public comment on each agenda item and allocate a specific time on the agenda for general public comments.

(d) Exclude a person from the meeting only for a breach of the peace actually committed at the meeting.

(5) The chairperson may do any of the following:

(a) Limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

(b) Temporarily recess and promptly reconvene the meeting in a larger meeting room if more space is necessary.

(c) Impose reasonable limitations on time allotted for public comments.

(d) Inquire as to the interest or interests, if any, represented by a person addressing the meeting.

(e) To preserve the rights of all parties, prohibit a member of the public from addressing the meeting on the subject of an administrative law case pending before the board until a disposition of the case has been voted upon by the board.

History: 1992 MR 1, Eff. Feb. 1, 1992.

R 339.14005 Accredited college or university.

Rule 5. The board adopts by reference the criteria for accreditation of the north central association of colleges and secondary schools included in the publication entitled "Handbook on Accreditation", dated September, 1977. Accreditation by the north central association of colleges and secondary schools or one of its affiliated associations is proof of a college or university having met the criteria. Copies of the handbook are available for inspection or purchase from the offices of the Nursing Home Administrators' Board, Michigan Department of Licensing and Regulation, P.O. Box 30018, Lansing, Michigan 48909, or from the North Central Association of Colleges and Secondary Schools, Commission of Higher Education, 159 N. Dearborn, 6th Floor, Chicago, Illinois 60601, at a cost as of the time of adoption of these rules of \$1.50.

History: 1992 MR 1, Eff. Feb. 1, 1992.

R 339.14007 Approved course of instruction and training.

Rule 7. (1) The department shall furnish a list of approved courses of instruction and training to each

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applicant.

(2) Any course of instruction and training that is offered by an educational institution, association, professional society, or organization for the purpose of qualifying applicants for licensing as nursing home administrators shall be approved by the department as meeting the educational and training requirements of the act before being offered to applicants.

(3) A course of instruction and training which is designed to train and qualify applicants for licensing as nursing home administrators as required by the act and these rules and which is offered by an accredited university or college shall be deemed acceptable and approved for such purpose if the course has been approved by the department. Additionally, the course shall be in compliance with the academic requirements of the college or university for the awarding of academic credit or shall be within the jurisdiction of an academic department of an accredited university or college if the university or college does not offer academic credit for the course.

(4) Any course of instruction and training that is offered by an educational institution, except as provided in subrule (3) of this rule, or by an association, professional society, or organization other than an accredited college or university, shall be approved by the department after consultation with the board.

(5) Courses of instruction and training will be certified by the department in a manner that is consistent with the requirements of the federal government for qualifying for federal financial participation.

History: 1992 MR 1, Eff. Feb. 1, 1992.

R 339.14009

Source: 1992 AACs.

R 339.14011 Examinations.

Rule 11. (1) An applicant who has satisfied the required educational and training qualifications shall pass all written examinations as prescribed by the board.

(2) The examinations may include the following:

- (a) Applicable standards of environmental health and safety.
- (b) General administration and management.
- (c) Psychology of patient care.
- (d) Principles of health care.
- (e) Personal and social care.
- (f) State and federal laws.

(3) An applicant shall attain a scaled score of 75 on all examinations.

History: 1992 MR 1, Eff. Feb. 1, 1992; 1995 MR 7, Eff. July 26, 1995.

R 339.14013 Scheduling of examinations; reexaminations.

Rule 13. (1) Examinations shall be administered not less than twice yearly at such times and places as the department designates.

(2) If an applicant fails any examination 2 or more times, the applicant shall be required to be reexamined on all examinations.

History: 1992 MR 1, Eff. Feb. 1, 1992.

R 339.14015

Source: 1992 AACs.

R 339.14019

Source: 1992 AACs.

PART 2. CONTINUING EDUCATION

R 339.14021 Reporting requirements.

Rule 21. Qualifying hours shall be reported biennially on a form prescribed by the department for the continuing education period immediately preceding each licensing period.

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History: 1992 MR 1, Eff. Feb. 1, 1992.

R 339.14023

Source: 1992 AACs.

R 339.14025 Application for approval of programs.

Rule 25. (1) An application for approval of a continuing education program shall be made on forms provided by the department. Except as provided in subrule (4) of this rule, the completed application shall be submitted not less than 30 days before the first date of instruction.

(2) A sponsor seeking approval of a program of group instruction shall submit all of the following materials with the application:

- (a) A course outline.
- (b) A list of instructional materials.
- (c) Instructor resumes.
- (d) The methodology for verifying and monitoring attendance.
- (e) A written policy regarding refunds of course fees.

(3) A sponsor seeking approval for a self-study program shall submit all of the following materials with the application:

- (a) A course outline.
- (b) A list of instructional materials.
- (c) The methodology for verifying satisfactory completion.
- (d) A written policy regarding refunds of course fees.

(4) An individual applying for continuing education credit for a course the individual completed that was not approved by the board at the time the course was taken shall submit a course outline, instructor credentials, and a certificate of completion.

History: 1992 MR 1, Eff. Feb. 1, 1992; 1995 MR 3, Eff. Apr. 7, 1995.

R 339.14027 Approval of programs.

Rule 27. (1) A continuing education group program shall be approved for the designated continuing education period if it is in compliance with all of the following requirements:

- (a) The subject matter is listed in R 339.14023.
- (b) Attendance is taken.
- (c) The program is not less than 50 minutes in duration.
- (d) The program is conducted by an instructor or discussion leader whose background, training, education, or experience makes it appropriate for him or her to lead a discussion on the subject matter.
- (e) The sponsor of the program maintains written records of individual attendance for a period of 3 years.

(2) A continuing education self-study program shall be approved for the designated continuing education period if it is in compliance with all of the following requirements:

- (a) The subject matter is listed in R 339.14023.
- (b) The program is an educational course which is designed for self-study and which requires evidence of satisfactory completion.

(c) The sponsor maintains written records of individual course completion, including a program outline and the qualifying hours earned by participants, for a period of 3 years.

(3) The department shall issue an approval number to all approved programs.

(4) A college or university course shall be approved for continuing education credit if the subject matter is listed in R 339.14023.

(5) Courses that were approved pursuant to the provisions of R 338.2842 shall continue to be approved for the designated continuing education period unless they are altered by the sponsor. A list of courses for which approval continues in effect for the remainder of the continuing education period shall be sent to all licensees by the department.

History: 1992 MR 1, Eff. Feb. 1, 1992; 1995 MR 3, Eff. Apr. 7, 1995.

R 339.14029

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Source: 1992 AACS.

R 339.14031

Source: 1992 AACS.

R 339.14033

Source: 1992 AACS.

R 339.14035

Source: 1995 AACS.

ARCHITECTS

PART 1. GENERAL PROVISIONS

R 339.15101

Source: 1985 AACS.

R 339.15102 Rescinded.

History: 1985 MR 8, Eff. Sept. 12, 1985; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.15103

Source: 1985 AACS.

R 339.15104

Source: 1985 AACS.

R 339.15105

Source: 1985 AACS.

PART 2. LICENSING CRITERIA

R 339.15201

Source: 1985 AACS.

R 339.15202

Source: 1989 AACS.

R 339.15203 Examinations.

Rule 203. The examinations offered shall be the national council of architectural registration board's syllabus or comparable syllabus as jointly adopted annually by the board and the department.

History: 1985 MR 8, Eff. Sept. 12, 1985.

PART 3. LICENSURE, RECIPROCITY, AND RENEWAL

R 339.15301

Source: 1985 AACS.

R 339.15302

Source: 1985 AACS.

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.15401

Source: 1985 AACS.

R 339.15402

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Source: 1985 AACS.

R 339.15403

Source: 1985 AACS.

PROFESSIONAL ENGINEERS

PART 1. GENERAL PROVISIONS

R 339.16001

Source: 1985 AACS.

R 339.16002 Rescinded.

History: 1985 MR 8, Eff. Sept. 12, 1985; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.16003

Source: 1985 AACS.

R 339.16004

Source: 1985 AACS.

R 339.16006

Source: 1985 AACS.

PART 2. LICENSURE

R 339.16021

Source: 1985 AACS.

R 339.16022

Source: 1985 AACS.

R 339.16023 Rescinded.

History: 1985 MR 8, Eff. Sept. 12, 1985; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.16024

Source: 1985 AACS.

R 339.16025

Source: 1985 AACS.

PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.16031

Source: 1985 AACS.

R 339.16032

Source: 1985 AACS.

R 339.16033

Source: 1985 AACS.

R 339.16034

Source: 1985 AACS.

PROFESSIONAL SURVEYORS

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PART 1. GENERAL PROVISIONS

- R 339.17101**
Source: 1995 AACS.
- R 339.17102**
Source: 1997 AACS.
- R 339.17103**
Source: 1985 AACS.
- R 339.17104**
Source: 1985 AACS.
- R 339.17105**
Source: 1985 AACS.

PART 2. EXAMINATIONS

- R 339.17201**
Source: 1985 AACS.
- R 339.17202**
Source: 1995 AACS.
- R 339.17203**
Source: 1993 AACS.

PART 3. LICENSURE, RECIPROCITY, AND RENEWAL

- R 339.17301**
Source: 1995 AACS.
- R 339.17302**
Source: 1995 AACS.

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

- R 339.17401**
Source: 1995 AACS.
- R 339.17402**
Source: 1985 AACS.
- R 339.17403**
Source: 1995 AACS.
- R 339.17404**
Source: 1995 AACS.

FORESTERS

PART 1. GENERAL PROVISIONS

- R 339.18001**
Source: 1984 AACS.

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R 339.18005 Rescinded.

History: 1984 MR 1, Eff. Feb. 10, 1984; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.18007

Source: 1984 AACS.

PART 2. REGISTRATION

R 339.18021 Rescinded.

History: 1984 MR 1, Eff. Feb. 10, 1984; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.18023

Source: 1984 AACS.

R 339.18025

Source: 1984 AACS.

R 339.18027

Source: 1984 AACS.

R 339.18029 Rescinded.

History: 1984 MR 1, Eff. Feb. 10, 1984; Rescinded 1998 MR 5, EFF. 6/11/98.

PART 3. STANDARDS OF CONDUCT

R 339.18031

Source: 1984 AACS.

R 339.18035

Source: 1984 AACS.

MORTUARY SCIENCE

PART 1. GENERAL PROVISIONS

R 339.18901

Source: 1991 AACS.

R 339.18905

Source: 1991 AACS.

R 339.18919

Source: 1991 AACS.

PART 2. LICENSING

R 339.18921

Source: 1991 AACS.

R 339.18923 Resident training; resident training time credit; notice of change of sponsor or location; supervision; license renewal; sponsor limitation; attending college or university during training.

Rule 23. (1) To receive credit for resident training time, a resident trainee shall be employed on a full-time basis during establishment working hours and shall be under the supervision of his or her sponsor.

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(2) A resident trainee shall notify the department, in writing, of a change of sponsor before beginning training under the new sponsor. A resident trainee shall also notify the department of any change in training location.

(3) A resident trainee who has completed 1 year of resident training, but who continues to perform duties requiring a license, shall continue to work under the supervision of a mortuary science licensee and shall maintain an active resident trainee license.

(4) A resident trainee license shall not be renewed more than 2 times.

(5) Except as authorized by the department, a mortuary science licensee shall sponsor only 1 resident trainee at a time.

(6) A resident trainee may attend a college or university while serving his or her resident training, if both of the following conditions are met:

(a) The college or university is within reasonable commuting time from the trainee's home or training establishment.

(b) The sponsor notifies the department, in writing, that the resident trainee is attending a college or university and that the course schedule will not interfere with the resident training program established by the sponsor.

History: 1991 MR 3, Eff. Apr. 2, 1991; 1998 MR 1, Eff. Mar. 13, 1998.

R 339.18925

Source: 1991 AACS.

R 339.18927

Source: 1991 AACS.

R 339.18029 Rescinded.

History: 1984 MR 1, Eff. Feb. 10, 1984; Rescinded 1998 MR 5, EFF. 6/11/98.

PART 3. STANDARDS OF OPERATIONS

R 339.18931

Source: 1991 AACS.

R 339.18933

Source: 1991 AACS.

R 339.18937

Source: 1991 AACS.

PART 4. STANDARDS OF CONDUCT

R 339.18941

Source: 1991 AACS.

R 339.18943

Source: 1991 AACS.

R 339.18945

Source: 1991 AACS.

R 339.18947

Source: 1991 AACS.

LANDSCAPE ARCHITECTS

PART 1. GENERAL PROVISIONS

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R 339.19001

Source: 1983 AACS.

R 339.19005 Rescinded.

History: 1979 ACS 13, Eff. Mar. 15, 1983; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.19007

Source: 1983 AACS.

R 339.19020

Source: 1983 AACS.

PART 2. REGISTRATION

R 339.19021 Rescinded.

History: 1979 ACS 13, Eff. Mar. 15, 1983; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.19023

Source: 1983 AACS.

R 339.19025

Source: 1991 AACS.

R 339.19027

Source: 1983 AACS.

PART 3. EXAMINATIONS

R 339.19031 Rescinded

History: 1979 ACS 13, Eff. Mar. 15, 1983; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.19033 Rescinded.

History: 1979 ACS 13, Eff. Mar. 15, 1983; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.19035 Rescinded.

History: 1979 ACS 13, Eff. Mar. 15, 1983; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.19037 Rescinded.

History: 1979 ACS 13, Eff. Mar. 15, 1983; Rescinded 1998 MR 5, EFF. 6/11/98.

R 339.19039 Rescinded.

History: 1979 ACS 13, Eff. Mar. 15, 1983; Rescinded 1998 MR 5, EFF. 6/11/98.

PART 4. STANDARDS OF CONDUCT

R 339.19041

Source: 1983 AACS.

R 339.19045

Source: 1983 AACS.

R 339.19049

Source: 1983 AACS.

PROFESSIONAL COMMUNITY PLANNERS

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PART 1. GENERAL PROVISIONS

- R 339.20001**
Source: 1996 AACS.
- R 339.20002**
Source: 1996 AACS.
- R 339.20009**
Source: 1996 AACS.

PART 2. REGISTRATION

- R 339.20011**
Source: 1996 AACS.
- R 339.20013**
Source: 1996 AACS.
- R 339.20015**
Source: 1996 AACS.
- R 339.20017**
Source: 1996 AACS.
- R 339.20018**
Source: 1996 AACS.
- R 339.20019**
Source: 1996 AACS.

PART 3. STANDARDS OF CONDUCT

- R 339.20031**
Source: 1996 AACS.
- R 339.20033**
Source: 1996 AACS.
- R 339.20035**
Source: 1996 AACS.
- R 339.20037**
Source: 1996 AACS.

REAL ESTATE BROKERS AND SALESPERSONS

PART 1. GENERAL PROVISIONS

- R 339.22101**
Source: 1997 AACS.
- R 339.22103**
Source: 1991 AACS.
- R 339.22199**
Source: 1991 AACS.

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PART 2. LICENSING

R 339.22201
Source: 1991 AACS.

R 339.22203
Source: 1991 AACS.

R 339.22205
Source: 1991 AACS.

R 339.22207
Source: 1991 AACS.

R 339.22209
Source: 1991 AACS.

R 339.22211
Source: 1991 AACS.

R 339.22213
Source: 1991 AACS.

R 339.22215
Source: 1991 AACS.

PART 3. PRACTICE AND CONDUCT

R 339.22301
Source: 1991 AACS.

R 339.22305
Source: 1991 AACS.

R 339.22307
Source: 1991 AACS.

R 339.22309
Source: 1991 AACS.

R 339.22311
Source: 1991 AACS.

R 339.22313
Source: 1991 AACS.

R 339.22315
Source: 1991 AACS.

R 339.22317
Source: 1991 AACS.

R 339.22319
Source: 1991 AACS.

R 339.22321
Source: 1991 AACS.

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R 339.22323
Source: 1991 AACS.

R 339.22325
Source: 1991 AACS.

R 339.22327
Source: 1991 AACS.

R 339.22329
Source: 1991 AACS.

R 339.22333
Source: 1991 AACS.

R 339.22335
Source: 1997 AACS.

R 339.22337
Source: 1991 AACS.

R 339.22339
Source: 1991 AACS.

PART 4. ENFORCEMENT

R 339.22401
Source: 1991 AACS.

R 339.22403
Source: 1997 AACS.

R 339.22405
Source: 1991 AACS.

PART 5. OUT-OF-STATE LAND SALES

R 339.22501
Source: 1991 AACS.

R 339.22503
Source: 1991 AACS.

R 339.22505
Source: 1991 AACS.

R 339.22507
Source: 1991 AACS.

R 339.22509
Source: 1991 AACS.

R 339.22511
Source: 1991 AACS.

R 339.22513

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Source: 1991 AACS.

R 339.22515

Source: 1991 AACS.

R 339.22517

Source: 1991 AACS.

R 339.22519

Source: 1991 AACS.

R 339.22521

Source: 1991 AACS.

R 339.22523

Source: 1991 AACS.

R 339.22525

Source: 1991 AACS.

R 339.22527

Source: 1991 AACS.

R 339.22529

Source: 1991 AACS.

PART 6. REAL ESTATE EDUCATION

SUBPART 1. GENERAL PROVISIONS

R 339.22601

Source: 1991 AACS.

R 339.22603

Source: 1991 AACS.

R 339.22607

Source: 1991 AACS.

R 339.22609

Source: 1997 AACS.

R 339.22611

Source: 1991 AACS.

R 339.22613

Source: 1991 AACS.

R 339.22615

Source: 1991 AACS.

R 339.22617

Source: 1991 AACS.

SUBPART 2. PRELICENSURE COURSES

R 339.22631

Source: 1997 AACS.

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R 339.22633
Source: 1991 AACs.

R 339.22635
Source: 1991 AACs.

R 339.22637
Source: 1991 AACs.

R 339.22639
Source: 1991 AACs.

R 339.22641
Source: 1991 AACs.

R 339.22643
Source: 1991 AACs.

R 339.22645
Source: 1991 AACs.

R 339.22647
Source: 1991 AACs.

SUBPART 3. CONTINUING EDUCATION COURSES

R 339.22651
Source: 1997 AACs.

R 339.22653
Source: 1997 AACs.

R 339.22655
Source: 1997 AACs.

R 339.22657
Source: 1991 AACs.

R 339.22659
Source: 1997 AACs.

R 339.22661
Source: 1991 AACs.

R 339.22663
Source: 1991 AACs.

R 339.22665
Source: 1997 AACs.

R 339.22667
Source: 1997 AACs.

REAL ESTATE APPRAISERS

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PART 1. GENERAL PROVISIONS

R 339.23101
Source: 1996 AACs.

R 339.23103
Source: 1996 AACs.

PART 2. LICENSING

R 339.23201
Source: 1996 AACs.

R 339.23203
Source: 1996 AACs.

R 339.23205
Source: 1996 AACs.

R 339.23207
Source: 1996 AACs.

PART 3. APPRAISER EDUCATION

GENERAL PROVISIONS

R 339.23301
Source: 1996 AACs.

R 339.23303
Source: 1996 AACs.

R 339.23305
Source: 1996 AACs.

R 339.23307
Source: 1996 AACs.

R 339.23309
Source: 1996 AACs.

R 339.23311
Source: 1996 AACs.

R 339.23313
Source: 1996 AACs.

R 339.23315
Source: 1996 AACs.

PRELICENSURE EDUCATION

R 339.23317
Source: 1996 AACs.

R 339.23319
Source: 1996 AACs.

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R 339.23321

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